



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
DEBATES

59th Session

8th Assembly

Official Report

FRIDAY, MAY 21, 1976

Speaker The Honourable David H. Searle, Q.C.

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, MAY 21, 1976

MEMBERS PRESENT

Mr. Steen, Mr. Stewart, Mr. Lafferty, Mr. Lyall, Mr. Butters, Mr. Wah-Shee, Hon. Arnold McCallum, Mr. Evaluarjuk, Hon. Peter Ernerk, Mr. Pearson, Mr. Kilabuk, Mr. Pudluk, Hon. David Searle, Mr. Nickerson.

ITEM NO. 1: PRAYER

---Prayer

ITEM NO. 2: CONTINUING REPLIES TO COMMISSIONER'S OPENING ADDRESS

SPEAKER (The Hon. David Searle): Turning to the orders of the day, Item 2, continuing replies to Commissioner's Opening Address. This will be the last day that this item appears. Mr. Lafferty.

Mr. Lafferty's Reply To Commissioner's Opening Address

MR. LAFFERTY: Mr. Speaker, the Commissioner of the Northwest Territories, my honourable colleagues and Members of the Northwest Territories Legislative Assembly, ladies and gentlemen. I will not take much of your time and bore you with needless words. I will come to the point as I am saying these few words to make, as quickly as possible, known to you the things that are on my mind. What I said earlier in previous sessions no doubt I will re-emphasize.

There are several things that we should all consider seriously as citizens and natives of this country that we have all come to love as the northland and although some of us call it by divisional differences, particularly the Indian people in the North, some call it Dene land, some people call it Dehcho country and things of that nature, but I do not think those are the points I would be talking about.

Control Through Legislative Assembly

I do not know how many of you were born here, I only know that I was and I know that we are all here today and that is important. This is all we have to work with and now, not tomorrow or yesterday, there has to be a beginning. Whenever we argue the problems which arise from our differences we must understand that issues are the products of individual discontent in any society and that is not only in the Northwest Territories. I believe that for this reason the Legislative Assembly of the Northwest Territories is the only tool with which we, as northern citizens, can indeed have control over many of our social problems, whatever they may be.

We are in a position, in a changing society today, that we must take action and give direction, but are we willing or even seeking the courage to step forward to declare that we are the only body as Members of the Northwest Territories Legislative Assembly to make laws by which every man, woman and child must be governed? Let me re-emphasize what I have just said, there are no other bodies, duly authorized to legislate the Northwest Territories. However, it seems that the people of the North have been fooled into thinking that there is.

There are many people today in our northern society, again without any reference to ethnic groups or cultural groups, whichever way they decide their divisions, but they are floundering, they are bewildered and floundering. Seemingly they do not know which way to go. Perhaps this came about in premature authorizations by government to give more and more control over community affairs to native people. Whether this passing of certain responsibilities prematurely was intentional or not is irrelevant, we do know today that the people are floundering. Many of these people have no experience of travel, of education, of commerce, industry or even

labour organizations. Many of these people believe they know what is happening simply because they have visited the cities of Edmonton, Vancouver, Montreal or Toronto. But, let us examine what they have done in these places.

Knowledge Of Cities Superficial

Did they go out to see the universities, businesses, industries, getting involved in civic affairs? No. They walked down the main street, from one corner to another and doing the very same thing they are doing in Yellowknife, wandering the streets from one beer parlour to another. I am not talking about everyone as there are the odd exceptions, but I am not speaking here of exceptions, I am talking about the majority of people. They spend several months in the city and come back here and become experts on how cities are operated. Do any of these people, while they are out in these places, read the financial reports, structures and so on? Do they look at that information from businesses, of organizations, do they take part in politics, do they talk to people who are engaged in these things? No, they have not got the time!

When you look at this activity by the majority of people who are northerners, then you can clearly see that we have prematurely vested responsibilities to the inexperienced, to their disadvantage. I think that much of this problem has to do with policy. I think that in the past, in the distant past, when these people were responsible for earning their livelihood in the traditional manner they lived a better life, at least there was direction, but because of the territorial government takeover of education in the North these people altered the courses of their lives, and along with it there was social interaction and social intercourse which resulted in a changing people and we have not changed policies.

The future of the Northwest Territories lies with these Canadian people just as it happened outside. If you look around you anywhere in the North or in the city you will see the native girls slung over the arms of the white guys and vice versa and I am certain their children are not Indian or they are not white or whatever you call them. They are Canadian people, and, of course, they are first Canadians. But then you examine some of the social policies that we have and educational policies, supposedly to give direction and leadership in the future years. We do not look at these facts. Instead we place all the emphasis on the technical advantages which we know today is being broken down outside as people are saying, "Let us go back down to the earth. We are way up here, let us now get down."

There are certain things that the Commissioner said in his Opening Address that pleased me. As he always does, there are things that he says that are pleasant to hear. I asked myself this question as a native northerner. Is he trying to please me or is he merely thinking about the future of my life or is he just trying to seek continuing control over the people of the Northwest Territories, whether they be native or otherwise?

Role Of Legislative Assembly

Why do we always talk about natives? Why not talk about the other side for a change, whoever they are? Maybe we have some Africans here, maybe we have some Brazilians here. I know a few Chinese boys in the Northwest Territories who are native. Let us look at the other side. Is the administration trying to wrest controls out of the hands of this body which is the first in the history of the Northwest Territories to have the power to legislate simply by majority? Or again are we going to be conned into being told that we are a bunch of nice guys, this is what you can do and we will help you. You sit back and we will decide. I do not think that is the role of this body. I think that we damned well have to get up and get the courage to pull ourselves up by the bootstraps and decide how we are going to run this country.

MR. PEARSON: Hear, hear!

MR. LAFFERTY: We are the government of this country.

MR. NICKERSON: Hear, hear!

MR. LAFFERTY: I have no prepared notes. I am just talking from the top of my head, simply because this is me. I do not want to be accused by Indian people of using somebody else's words. I am using my very simple words. If there are people in this country who do not understand what I am talking about, certainly there is something wrong with the educational system we are talking about.

Leadership Needed

I believe that every person in this country has a responsibility through the support that they give to their territorial Member to change direction and if they are unable to do that then this body must make the decision, whether people agree with it or not, whether the administration agrees with it or not. Again let us look at my initial remarks. The people in the North are floundering in disillusionment because they are leaderless. They are leaderless. In the past three years that I have been back in the Northwest Territories I have read in almost every publication that I picked up speaking of leaders in the North and if there were leaders in the North then, how come the people do not know where to go? The leaders could not even make up their own minds.

Referring to the "Yellowknifer" article of Mr. Rick Hardy in his letter to the public, he stole the words out of my mouth. I have been telling him this for the last two years and I have been saying these very same words for the last ten years across Canada to native people and they never believed me. The very person who declared just a few months ago that I am not the leader of the Metis people of the Northwest Territories ends up by saying the very words that I was telling him that he opposed. I do not call this a leader. As you heard me say here in this Assembly last year, to quote Mr. Hardy, using the very same words that I said "Our fight for special rights must be for a recognition of ourselves as half-breeds; joining the Indian people would be a loss of our own identity. I am not an Indian. I am not a white man. I am a half-breed and damned proud of it." I put it another way. I always have. I am a Metis, I am not a half-breed, I am not half this or half this or quarter this. I am not an animal. I do not want to be pedigreed.

I know what I am, I know where I want to go and I know how I want to live. I do not want to stand in front of you with buckskins and long hair. I do not want to advertise to the destruction of a beautiful heritage that is the Indian past that I have and I am the only man who can do something about the preservation of the Indian heritage in Canada, that is, the individual right. If I choose to destroy it, I can go elsewhere. If I want to commercialize it, I can put on buckskins and grow my hair long and braid it and do what I want to do with it, hang a few bear claws in it. Maybe I will even send a few items to Japan or Hong Kong and wear my beads and let my people starve and die out. That is exactly what is happening.

Cultures Differed

We have a department within our government which advertises Indian arts and crafts, and believe it or not most of that stuff comes from the state of Nevada. I am not saying the material, the finished product, but there is a guy in the United States about eight or nine years ago who wrote two books, and you will find these books in every native home in Canada, and I have even found them up here. He uses the classes, the teachings of Indian culture. We have the traditional Indian regalia in the North, but it was not the same, even in my youth. The culture and customs of the Indian people in the Mackenzie Valley were certainly not the same as the Indian customs, values and cultures of those say, in Saskatchewan, or even Alberta, as well as British Columbia, northern British Columbia. My own mother, her parents came from British Columbia, and they differed so greatly from the people in Fort Simpson that she was forced to join the half-breed society and today, 175 years have gone by in the community of Fort Simpson, it existed for that length of time and the people have changed greatly.

Now, if people do not know who the heck they are, and if they do not know where in the heck they want to go, and they do not want to learn the means by which they can engage themselves in the developing economics of any country then the time has come that we must take control. If the territorial government can not do that and the federal government can not do that then I feel that this body should damn well do it.

Funds For Travel Lacking

The time has come that we must take control over our own affairs, for the betterment of every northern person instead of just Band-Aid treatments of our society. I have been asking people to give me some direction, to have some kind of input, positively, and I do not get it. Now, why do I not get it? It is because I do not have the money necessary to go around and do my homework. The native organizations, all of them receive a lot of money to get around into the communities whereas I can not. If I do get to a community I have not got the money to spend a week there to talk to the individual people, and this is done by the federal government. I am beginning to lose a lot of faith in the expressed good intentions on the part of the Minister. I am not saying that he personally is not likeable, he is a likeable person, perhaps a conscientious man, well-meaning, but seemingly the federal cabinet has been blackmailed by funded organizations and these organizations in the North have fairly well become the governing force. Now they are demanding of each one of us to do as they want us to and if we do not, if we do not say yes, then we are not the governing body. Well, I refuse to be insulted any longer.

Let us look at the reasoning, some of the facts behind this. Where does this kind of power come from? There has to be some kind of liaison with government officials, between the leading executives of the native organizations and government personnel without the knowledge of this Legislative Assembly. That should not be allowed unless it is policy, but we have no such policy. I do not wish to see a senior government official coming to an agreement with any organization, whether they be native or otherwise, unless it is policy, and simply because the argument is made that he is a senior civil servant, with senior service, 20 years service. If I had 20 years service with the Hudson's Bay Company and I did not abide by the rules of the Hudson's Bay Company I would be fired tomorrow. They would give no consideration to my senior service, my pension or my seniority, and I feel the civil service should be subjected to the same treatment. He is responsible to this body, he is not responsible to the federal cabinet, yet how many times have I heard some official say, "Oh, you can not do that," but why could we not do it?

Assembly Powers

I think we even have the power to move on and test legally, if we have to, the federal power over the Northwest Territories, legally. I am not afraid to try it. I would never be afraid to step into the Supreme Court of Canada as a test case, on the powers that this Legislative Assembly carries. I would be just like a sergeant-major in the army, if you keep him as regimental sergeant-major too long he begins to think he is king and he refuses to let go his authority which is vested in the commanding officer. In this case we have the same thing, we have a Commissioner who means well, the senior officials, the Deputy Commissioner, the people I am getting to know are all fine people, but none the less they are strapped in their own little authorities which comes from this Legislative Assembly. There is no other body which can give them the authority. In the case of the Commissioners they have dual positions I suppose, and I do not really understand it yet, but somewhere I will learn.

Now, we are talking about economic development in the Northwest Territories, and because of these kinds of conditions, socially, economically and politically we can not do a damn thing about our hungry people. At least 60 per cent of our native people are on welfare and that is using a very small figure, and those who are not receiving social assistance are those people who are employed by government funded organizations. There are very few who are in industry in the North and yet we have all kinds of policies directed at native Indian and Metis people in the Mackenzie region to engage them in the existing mines and so on.

Time To Look At Needs Of Total People

We have communities along the Mackenzie River which have been demanding certain services that have not been denied but neglected. I do not think some of these requests have been heard by the senior officials. Also in these communities it has been said that we must have higher learning and that the northern people must take control of their own lives through their own government. Since nothing has been done about it, these people in frustration, particularly the native people, have turned to their own people for that kind of leadership. It is not the fault of the Indian. It is not the fault of the individual Metis who lives in these communities but, rather, the fault of the mainstream of society and its leading citizens, the continued refusal to recognize the needs of the total people. We treat the ethnic groups and neglect the over-all public services. I think the time has come when we must de-emphasize ethnic group treatment and we must look at the over-all Canadian northerners.

In my community there are a few half-breed people and Metis people who own their homes. None of these people has received one penny of assistance from anyone but those whites who live in that community have received some kind of assistance simply because of their knowledge of using the system and have acquired homes that way, through loans and what not, certain benefits. The Indian people have been placed in government owned homes, in some cases furnished, fuel and utilities supplied, with very low rent.

The person who needs the most help has been neglected and this man is a citizen, he is a taxpayer and among these half-breeds there are also a few whites who have found the same treatment. These are the people who are called upon to pay and they are also the people with the largest families and their children are neither Indians nor whites as people say. I do not like that word, but their children are the ones who are going to run the northern communities in the future. It would not be the Indian person, it would not be the so-called white man, wherever he comes from, and I am certain it would not be the Eskimo rather, but northern Canadians who are of mixed ancestral groups because they are simply the majority. These are facts, they are not dreams.

At least nine marriages out of ten, anyway, in the Mackenzie region are Indian women marrying white men or vice versa, white women marrying Indian or half-breed men. Right among us here we are such a body. The Hon. Peter Ernerk is married to a white lady. Mr. Nickerson is married to an Indian lady and I used to be married to a white lady and so on. Our children are neither Indian nor white. They are Canadian first and they are half-breeds.

Assembly Must Take Control

If we use this experience as the means by which we can prepare our children for the future to engage them in controlling their own destiny by controls of economics, monetary policies, 25 years from now we would not have the kind of problems we are having. We must take control, we as a Legislative Assembly, not passing the buck to the Commissioner because he is a nice guy or because we are afraid to hurt his feelings. My feelings are hurt every day. Sometimes ten times a day I walk down the street and a white guy says to me "You Indian people are all alike." How the hell does he know I am an Indian person? I do not consider myself to be an Indian. I do not live like an Indian. In fact I have one heck of a time to survive as my ancestors did. I do not walk up to white people and say "You Frenchmen or you Englishmen are all alike." I just walk up to a guy and if he is a good guy, he is a good guy. If he is bad he is bad. If he is blonde or blackheaded or blue eyed or whatever he is, I do not go judging him by his colour. For all I know he could be a South African of mixed ancestry. Some of the top educators in this country tell me those very same things and I look at them and I say "My God, if this is the man who is educating my children if I was a senior official I would fire him. It is obvious that person is ignorant. What can he teach my children?"

Assembly Should Tell Cabinet

The main points, as I said, I would be blunt, short. I have taken 15 minutes of your time and that is far too long. I am not trying to break any records here. As I see in the North the time has come that we should be telling the federal cabinet what we want for the northern country,

for the northern people. We should be saying to the federal government where we intend to go, rather than seeking from the federal government how far we can go, where we can go. We should be saying to big multinational corporations operating in the Northwest Territories what they can do and what they can not do and not have Ottawa sanction these things and find out that we can do nothing about it because Ottawa said it was okay.

We should be telling our civil servants what we want to see, the kind of policies implemented. We should have social equality, and we should be telling that to the federal government. There should not be such a thing as a treaty Indian in the Northwest Territories, they should abolish that word "treaty" and forget about it. They should come to some kind of decision, either build a pipeline or do not. We have all kinds of people in the North who are poor people, as I have indicated to you, who have taken their last few thousand bucks. They have to wait for the pipeline, but what happens to these people, who compensates them if nothing happens? Where are they going to go? Is the government going to say, "Okay, because you waited we will hand you a bunch of money to compensate you so we can send you back where you came from"? No, they certainly will not. These people have to live, they have to eat, they have families who have to go to school. I do not care what anyone calls them, you can call them white men, brown men or black men, whatever category you put them in, they still must eat, they still must live, their children still must go to school and they too have rights.

Energy Development.

Energy development in the North. The territorial Legislative Assembly should have some kind of input into energy development in the North. I do not buy this excuse that we do not have the expertise. If the federal government can fund native organizations to the tune of \$500 million or \$5 million, I am quite certain that they can give the territorial government at least \$10 million or \$1 million to do some kind of study in the North for the development of power units throughout the North instead of having to run outside and getting permission from the big industry people from the South every time we have a problem. This Legislative Assembly I feel is very weak because every time some problem arises we say, "Well, that has nothing to do with us. The board of directors are in Ottawa." The board of directors are not policy makers, they are not legislators and I take exception to this kind of treatment.

I feel that I was elected by the people at the sacrifice of much of my own personal desires, wants and pleasures. I was elected to make the decisions necessary to govern the country. At least a civil servant can go home after his eight hours a day, or ten hours, or 16 hours, depending upon the level he is at, and go on holiday two or three times a year, or he can go out in the country for a weekend but I can not even go out to a little community like Jean Marie River or out in the bush but that I run into someone who talks about problems. If I am going to live this way for the next three years, I am going to make certain, and I am going to continuously push, that this Legislative Assembly takes control over the matters affecting people as a whole.

We should be sitting here making policies by which people will be governed, we should not be arriving at policies for Indian people to their detriment. We should be lifting these people up, we should take them by the hand and say, "Walk with me and I will show you." I have an Indian ancestor, and I resented and took offence when I found that the remaining Indians, who are a dying race of people in America, right in front of our eyes, these people are vanishing. We are spending piles and piles of money on animals, the preservation of animal life, when a people, the living evidence of my being, are being wiped off the face of the earth simply because of policy. That is where it is at.

I take exception when I see a blonde, blue eyed guy with long greasy hair and a set of beads hung around his neck walking up to me and telling me he is an Indian, or an Indian expert because he has a little bit of Indian in him. Well, I have a lot of Indian in me and I am certainly no Indian expert. In fact I do not even know what is down deep in his heart, but I know one thing, he wants to survive like anyone else and he is not asking to run the country, and he is only saying this because of his frustration because of the refusal of the civil service, of educators, of the so-called experts, to recognize what his needs are.

Leaders Misinterpret People

I think that in most instances the leadership is bloody well mistaken by saying that this is our land, they misinterpret what their own people are saying, and if I am challenged I will say so publicly. The Indian does not say, "I own this land." He does not say, "I am going to fence it in and keep you out." As I speak, in some of the dialects in the North here, there is even a misinterpretation, or wrong interpretation of the word "dene". It does not mean "people", it means "man", "mola dene" means white man. In Nahanni Indian it is called mola dene, and that means Nahanni Indian or Nahanni man. When the Indians interpret land in their romantic language, when they say it is our land, they say in their dialect "nahende" and that means it is our land, you and I, whoever is standing on it, it is our land, whether you are white or black. I have talked to many old-time Indian people and these are the other words they told me, or they gave me, to quote to you.

Lack of Understanding

So, obviously there is a lack of understanding, and when I tell you this there is lack of understanding on economic development in the Northwest Territories. Most native people are not against development, they want development, they want jobs. Even last night in town here, in Yellowknife, I spoke to about half a dozen native people and each one of them was

looking for a job. I asked them "Well, what will you do about the pipeline, no pipeline, no job?" They said, "Oh, I want a job." All of these people have tried to communicate to their leaders that they are afraid, there may be some damage, not to their persons but to the environment or to their way of life as they call it.

It does not mean the Indian way of life but the way of life of the country. The animal life is a way of life and this is what they are talking about but it has been misinterpreted by the youthful leadership who, in most cases, have hardly any understanding of what their own parents are talking about. Even their Indian dialects have changed. If you take the Slavey Indian he has changed greatly from my youth to the present. Today the average Slavey Indian understands Dogrib, Chipewyan and Hare Indian which, when I was a teenager in the North we could not even understand. The Nahanni Indians, which are only 100 miles away, had a dialect all their own.

Power Of Decision Making

So obviously the communications breakdown is not between the whites and Indians but that communication breakdown is in the total society. So with that kind of experience we should go forth and let the Legislative Assembly Members do their homework. We will all realize these are relevant to most communities and arrive at some kind of policy by which all of our northern people can benefit. That will also result in much opposition from the federal politicians and civil servants and, of course, opposition from within the rank and file of our Government of the Northwest Territories. But in the final analysis we are the only people who can give direction in the North simply because we are the only body, the 15 of us who are sitting here who have the power of decision making. They can take all the people put together but these people can not make the decisions. We are responsible because the decision is ours to make in the end.

To close my remarks, I believe that these decisions will have to be made with greater emphasis than ever on the high standard of learning, the acquiring of knowledge. I do not want to be a second class citizen when I know darned well I am the first citizen in Canada. I am the first Canadian and this can not be denied. I feel that our children for the last hundred years have been kept down. They are just as capable as anyone else in the country. As the government advertising says, "No race has a monopoly over brains."

I feel that if we are going to determine what course we will go, talking about those of us who are interested in making the North our home, then that policy must be arrived at here, right here in this Assembly. These policies must be equally applied to every man, woman and child in the North, whether he be white or Indian or Eskimo, and in the near future we must reach through this Legislative Assembly to take control over our own affairs. I do not buy this excuse that we have not got the money. We have the necessary expertise in the Northwest Territories to design some kind of tax structure on which we can begin. We can gauge revenue sharing, resource sharing, there are all kinds of possibilities and the northern people must be involved first. They come first.

Federal Government Must Be Told

The position taken by native organizations in the past must also change and that means that the territorial Legislative Assembly must show the federal politicians that we are the Government of the Northwest Territories, not the Indian Brotherhood or the Metis Association. We can not afford to create a government within a government. We can not afford to say to the white man, "You go home", without denial of our own heritage. There are many white men up here and in fact I know several near me who are supposedly white people but actually they are Metis people. They too have Indian ancestors and maybe down deep in their hearts they too have certain sentiments in the country.

Common Goal Of Autonomy

So with this kind of historical past we have to alter our course, we have to change now and determine a policy by which people will be the government, tell the federal government we are the government for the North and that we would like to see these things implemented, whatever they may be. Let us not get hung up and fight with each other as a white man, as an Indian, as an Eskimo and each seeking their own little privileges. I do not see any difference between anyone here, any one of my colleagues. They are all the same. I think that is the northern society, we are all one. We should all be looking together in the same direction toward a common goal and that is to gain autonomy for northern people. We could never, never be a silent society, never, it is impossible. Thank you very much.

---Applause

MR. SPEAKER: Thank you for those brief remarks, Mr. Lafferty. Are there further replies to the Commissioner's Opening Address? When is coffee time, Mr. Clerk, 11:00 o'clock? Ten-thirty. Is it ready now, because there are some very thirsty looking Members? Are there any further replies because if there are I think it would indeed be appropriate to break for coffee before we go on to them? Is there anyone else who wants to speak this morning? Can we go on to Item 3, questions and returns until we determine whether there is coffee ready?

---Agreed

Are there any returns, Mr. Parker?

ITEM NO. 3: QUESTIONS AND RETURNS.

Return To Questions 02-59 And 010-59: Mr. Lang's Invitation.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, oral Questions 02-59 and 010-59 were asked concerning the invitation to the Hon. Otto Lang, Minister of Transport, to attend this session. An answer has been received by telephone. The Minister advises that with regret he can not attend this session because of the tabling of the budget Tuesday next and two other firm commitments. He has some expectations of making a visit to Yellowknife in October of this year. These plans are as yet tentative and perhaps a meeting with Council could be held at that time.

Return To Question 011-59: Proposed Liquor Plebiscite, Frobisher Bay.

On Thursday, May 20th, Mr. Pearson asked the opinion of the administration as to the legality of conducting a liquor plebiscite in the village of Frobisher Bay this year. It is the opinion of the legal services division that it would be legal to hold such a plebiscite in Frobisher Bay this year, should a decision be taken to conduct one.

MR. SPEAKER: Are there any further returns? Questions? Written questions? Mr. Stewart.

Question W12-59: Fish Prices, Great Slave Lake

MR. STEWART: Mr. Speaker, could I be advised what prices have been set by the Freshwater Fish Marketing Corporation for the Great Slave Lake summer production?

MR. SPEAKER: I assume you would like to take that as notice, Mr. Parker?

DEPUTY COMMISSIONER PARKER: Yes, Mr. Speaker.

MR. SPEAKER: Any further questions? Mr. Pudluk.

Question W13-59: Reduction Of Number Of Seals Taken For Scientific Purposes

MR. PUDLUK: Mr. Speaker, Fish and Wildlife and Marine Services from Ottawa would like to kill a number of seals for scientific purposes, near Resolute Bay. In one year 200 seals seems to be too many to kill. I would like to know if the number of seals killed can be reduced to less than 200. The settlement council in Resolute is in favour of reducing the number of seals to less than 200. We realize they already have a permit to kill 200 seals.

MR. SPEAKER: Would you take that question as notice?

DEPUTY COMMISSIONER PARKER: Yes, sir.

MR. SPEAKER: Any further questions? Mr. Pearson.

Question W14-59: Polar Bear Sports Hunting

MR. PEARSON: What is the total number of polar bears taken by non-native sport hunters over the past three years throughout the Northwest Territories and how many communities are currently operating the program?

MR. SPEAKER: Mr. Parker?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I will provide an answer for that shortly.

MR. SPEAKER: Any further questions? The Member for Yellowknife North.

Question W15-59: Verification Of Depositors' Accounts In Credit Union

MR. NICKERSON: Mr. Speaker, I have two questions, the first concerning the verification of depositors' accounts in the credit unions, a supplementary question to the return we received yesterday. Could the administration please look into the possibility of having the verification of depositors' accounts in credit unions performed by independent auditors rather than by government employees?

MR. SPEAKER: Would you take that as notice?

DEPUTY COMMISSIONER PARKER: Yes.

MR. SPEAKER: Your second question?

Question W16-59: Authority Of Tourism Division To Make Certain Rulings

MR. NICKERSON: My second question concerns the authority of the tourism division to make certain rulings. In information release 76-085 it states: "The tourism division has ruled that no additional tourist establishment licences or building permits will be considered in Baker Lake for a period of at least one year." Under the authority of what ordinance and/or regulation was this ruling made?

MR. SPEAKER: Would you take that as notice, Mr. Parker?

DEPUTY COMMISSIONER PARKER: Yes, Mr. Speaker.

MR. SPEAKER: The Hon. Member from Hay River.

MR. STEWART: Mr. Speaker, I am sorry, I did not conclude the question I wanted to ask and is it in order to conclude that question or must I put another?

MR. SPEAKER: No, go ahead, add to it.

Addition To Question W12-59.

MR. STEWART: Then after the Freshwater Fish Marketing Corporation for Great Slave Lake summer production add: "What prices were paid last year?" What I am trying to get here is a comparison.

MR. SPEAKER: Mr. Clerk, would you see the question is produced in one, together? Are there any further questions? The Member for the Central Arctic.

Question W17-59: Musk-Ox Survey, Central Arctic.

MR. LYALL: Mr. Speaker, I would again like to ask the administration when are they going to do a population survey of the musk-ox in the central Arctic area so that quotas could be set for the Central Arctic people and this year the people are talking of overpopulation and I personally have seen herds of musk-ox I have never known were there before.

MR. SPEAKER: The Member from Inuvik.

Question W18-59: Unsuccessful Polar Bear Hunts.

MR. BUTTERS: Mr. Speaker, could the administration also inform this house in replying to the question of the Hon. Member from South Baffin of the number of hunters who paid their money and got skunked?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, do I interpret that question as how many the polar bear won and how many the hunters won?

MR. SPEAKER: Something along the same line as the Christians versus the lions. Are there any further questions? How is the coffee coming?

CLERK OF THE HOUSE (Mr. Remnant): It will be ready at 10:30 a.m., Mr. Speaker.

MR. SPEAKER: You are fairly inflexible, are you? Ten-thirty it will be ready.

Item 4, oral questions.

Item 5, petitions.

Item 6, reports of standing and special committees.

Item 7, notices of motions. Mr. Pearson.

ITEM NO. 7: NOTICES OF MOTIONS

MR. PEARSON: Mr. Speaker, I wish to give notice that on Saturday the 22nd of May...

MR. SPEAKER: Mr. Pearson, excuse me but you may be prejudging the result of Motion 8-59. You only need one day's notice, why do you not say Tuesday to be safe?

Notice Of Motion 9-59: Cancellation Of Department Of Education's Plan To Move Teachers Education Program To Fort Smith

MR. PEARSON: I would like to get the matter on the floor as quickly as possible, Mr. Speaker. However, in compliance with your wishes, I wish to give notice that on Tuesday, the 25th of May I will present the following motion:

NOW THEREFORE, I move that this Assembly direct the Department of Education to cancel its plan to move the teacher education program to Fort Smith and have it remain in Frobisher Bay.

MR. SPEAKER: Any further notices of motions? Mr. Nickerson.

Notice Of Motion 10-59: Discussion By Committee Of The Whole Of The Principle Of Rent Control Before Re-examination Of The Rent Control Bill By The Standing Committee On Legislation

MR. NICKERSON: Mr. Speaker, I give notice that on Tuesday, the 25th of May, I will move the following motion:

WHEREAS it has been ascertained that the majority of the Members of this house are desirous of discussing the principle of rent control especially in the context of the expected developments in the Mackenzie Valley;

AND WHEREAS on account of the heavy volume of pressing business it is unlikely the standing committee on legislation will have time within the next few days to properly re-examine the rent control bill;

NOW THEREFORE, I move that at a suitable time this house resolve itself into committee of the whole to consider rent control and other measures which may become necessary as a result of pipeline or other major developments, without, first, the rent control bill being examined in detail by the standing committee on legislation as would customarily be the case.

MR. SPEAKER: Mr. Nickerson, would you repeat the resolve part more slowly because I am getting all kinds of signals that the interpretation can not keep up with you? Just repeat it more slowly, if you would not mind.

MR. NICKERSON: "Now therefore, I move that at a suitable time this house resolve itself into committee of the whole to consider rent control and other measures which may become necessary as a result of pipeline or other major developments, without, first, the rent control bill being examined in detail by the standing committee on legislation as would customarily be the case." If I may speak to a point of order at the same time, Mr. Speaker.

MR. SPEAKER: Yes.

MR. NICKERSON: Normally a motion dealing with a bill which has already been introduced to the house would not require a notice pursuant to Rule 42 (2)(h). This motion deals probably with the same type of thing but in a slightly different context and in view of the fact that it might be construed by certain Members of this house to be expanding the meaning or adding to those things which are contained in the rent control bill I thought it would be better if I were to give notice on this particular motion.

I have also considered the possibility that this motion might be in conflict with Rule 20(f) in that already on the orders of the day we have consideration of the Rent Control Ordinance but I have given it a good deal of thought and find that there are very good reasons why there would not be a conflict in this particular case. Thank you, Mr. Speaker.

MR. SPEAKER: You are indeed learning, are you not? Any further notices of motions? Mr. Butters.

Notice Of Motion 11-59: Commissioner To Approach The Minister Of Transport.

MR. BUTTERS: Mr. Speaker, in view of the Deputy Commissioner's advice that the Minister of Transport, Hon. Otto Lang will not be with us during this session I wish to give notice that on May the 25th I will move the following motion and herewith I provide the resolve:

NOW THEREFORE, I move that the Commissioner again approach the Minister of Transport, the Hon. Otto Lang armed with the encouragement contained in the former transport minister's statement made in the House of Commons last June and make application for the Northwest Territories to be designated as a "frontier" region and as such subject for consideration for the application of federal subsidies:

(a) on all modes of transport, where such transport is the major transportation mode for goods or persons, and

(b) to reduce costs presently borne by Northwest Territories residents for both personal travel within the Northwest Territories or between Northwest Territories points and southern Canada and the resupply of foodstuffs and domestic requirements of northerners needed to maintain their lifestyle north of 60.

MR. SPEAKER: Further notices of motions?

Item 10, tabling of documents.

MR. BUTTERS: You missed motions, sir.

MR. SPEAKER: Oh, yes, Item 9. We have a couple of motions and I think we will adjourn for coffee and take this up after coffee. This Legislative Assembly stands recessed for coffee.

---SHORT RECESS

MR. SPEAKER: This Legislature will come to order. I notice that there is just a quorum. Item 9, motions.

ITEM NO. 9: MOTIONS

Motion 6-59: Telephone Communication Facilities And Service

Motion 6-59, Telephone Communication Facilities and Service, Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Speaker,

WHEREAS telephone communication facilities and services are inefficient and undependable in Chesterfield Inlet and Whale Cove as well as in the other isolated communities in the Eastern Arctic;

AND WHEREAS in the two settlements mentioned it is often necessary to call for emergency medical services;

AND WHEREAS the people of Chesterfield Inlet and Whale Cove have the right to call their relatives and friends any time of the day as do the rest of the people of Canada;

AND WHEREAS the caller is expected to pay for each completed call whether or not the other party is audible;

AND WHEREAS Bell Canada has recently announced its plans to establish eight new telephone exchange services in the far North, the majority of which are in Arctic Quebec communities;

NOW THEREFORE, I move that Bell Canada, who is responsible for the provision of telephone services to the Eastern Arctic be asked to include such isolated settlements, in particular Chesterfield Inlet and Whale Cove, to receive the company's northern plan;

AND I FURTHER MOVE that the president or his senior level representative of Bell Canada, be asked to appear before this Legislative Assembly in order that the Members be given input into the company's northern activities.

MR. SPEAKER: Moved by the Hon. Peter Ernerk, seconded by Mr. Butters. Discussion, Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Speaker, when I speak on this motion, when I talk about inefficient and undependable services I speak in such a way that these services which are presently provided by the company, for example, in those two communities mentioned are just simply that. Just yesterday morning, or the night before, at about 11:35 p.m. in the evening I called Chesterfield Inlet and I was told by the operator in Frobisher Bay when I inquired about the telephone listings for Chesterfield Inlet. I wanted to talk to my friend Tom in Chesterfield, she replied that, "There is no such telephone listing for Chesterfield Inlet because they are on the radio telephone services." I said, "There are telephone listings for the people of Chesterfield Inlet," and she said, "No, there is not. Tomorrow morning you will have to call Chesterfield Inlet between the hours of 8:00 a.m. and 4:00 p.m." I went back to my own office and I looked at the telephone listings for the Eastern Arctic and I looked under "C" and I saw Chesterfield Inlet telephone listings and I was able to find Tom's telephone number in Chesterfield Inlet. Secondly, at 9:45 a.m. in the morning I called Chesterfield Inlet but by the time I received the call back from Chesterfield Inlet it was about 2:35 p.m. in the afternoon when I was already at the session.

Telephone For Emergency Medical Services

When I talk about emergency medical services I mean by that that it is sometimes necessary to call medical services, for example, in Churchill, Manitoba, and ask the airlines for the doctors to come to Chesterfield Inlet or Whale Cove immediately because someone is sick in one of these communities. I happen to believe that the people of Chesterfield Inlet or Whale Cove or any other people in the Northwest Territories have the right to call anywhere

they want to and speak to their friends, passing information to one another, exchanging ideas, also for government or for private purposes, whether it may be ordering parts for a vehicle, for a water truck in Chesterfield Inlet or Whale Cove.

When I was in Chesterfield Inlet about a month ago I was told that even if you can not hear the other person at the other end and you try and talk for about five or ten minutes or so, you are still expected to pay for the call. I received a letter from Bell Canada the other day, dated March the 10th, 1976, and they sent me this communication and it reads:

Communication From Bell Canada

"Plans to establish with the least possible delay eight new telephone exchanges in the far North are announced by Bell Canada. The new facilities will enable telephone subscribers in Maricourt (Wakeham Bay), Koartac, Bellin, Leaf Bay (Baie aux Feuilles), George River (Port Nouveau Quebec), Port Burwell, Clyde River and Lake Harbour to call other subscribers within their own exchange areas."

Mr. Speaker, I think it would be interesting to invite the president of Bell Canada, or the people who are at the senior level of that company and ask them to appear before this Assembly so that the Members of the Northwest Territories Legislative Assembly could be given the opportunity of taking part and complain perhaps if we have to, and give some suggestions to the company. Thank you, Mr. Speaker.

MR. SPEAKER: Is there any further discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: Mr. Butters.

MR. BUTTERS: Mr. Speaker, the situation as outlined by the Hon. Member from the Keewatin is a service that is not a luxury but a matter of life and death as he indicates. I think it is difficult to comprehend how the communication services that are being provided in the Mackenzie and Western Arctic could be so much better than is being provided in the Keewatin and Baffin. The difference is just unbelievable and for one small example, a native entrepreneur friend of mine had his fanbelt, his fan go through his radiator at 2:00 o'clock on a Friday afternoon. He got out of his vehicle, walked over to another vehicle with a radio-telephone, phoned to Edmonton and that replacement radiator was brought in by Pacific Western Airlines the next day and in his truck the next day, within 24 hours. Even 30 years ago, or 20 years ago, in the Western Arctic had that occurred that vehicle would have been out of duty for the rest of the winter. I think it is most important that Ma Bell or Mr. Bell come visit with us as soon as possible, at least certainly Canadian National Telecommunications have sent representatives, have sent senior people and I see no reason why Bell Canada could not do the same.

MR. SPEAKER: Any further discussion?

SOME HON. MEMBERS: The question.

Motion 6-59, Carried

MR. SPEAKER: The question. The question being called. On the motion. All in favour? Contrary? The motion is carried.

---Carried

MR. NICKERSON: On a point of privilege, Mr. Speaker.

MR. SPEAKER: Mr. Nickerson.

MR. NICKERSON: Mr. Speaker, a matter of extreme importance and urgency has just come up and I would move that this house resolve itself into a court of competent jurisdiction to impeach, to convict and to boil in oil the publisher of the Yellowknifer newspaper, sir. There is a reference on the front page of this despicable yellow rag to "Daring Feats of Self-Deception -- Incredible Marvels of Overstatement -- Death Defying Acts of Sleepwalking -- Rib-Tickling Visions of Grandeur -- Truly Astounding Displays of Self-Interest -- Magnificent Achievements of Compromise" and all of this, sir, is much too close to the truth to be funny.

---Laughter

MR. SPEAKER: Quite naturally you are speaking only for yourself. Motion 8-59, Mr. Butters.

Motion 8-59: Hours Of Sitting, Withdrawn

MR. BUTTERS: Mr. Speaker, had I been permitted the unanimous consent of the house yesterday to return to notices of motions I would have withdrawn the notice because during coffee break yesterday I talked with a number of people and realized that on such short notice, in view of the plans that had been made by Members and officers of the government, that it was a little bit of a hardship and it might be better to extend our session rather than to sit on the Saturday. So, I will not make this motion. If some other Member wishes to make it, I will second it, but I will not make it, sir.

MR. SPEAKER: You are withdrawing Motion 8-59?

MR. BUTTERS: Yes, Mr. Speaker.

MR. SPEAKER: Motion 8-59 withdrawn. That completes motions.

Turning to the order paper, Item 10, tabling of documents. Mr. Nickerson.

ITEM NO. 10: TABLING OF DOCUMENTS.

MR. NICKERSON: Mr. Speaker, I wish to table Tabled Document 13-59 a letter dated May 12th, 1976, from Mr. J. R. Slaven, Legal Advisor to the territorial Legislative Assembly to the Hon. D. H. Searle, Q.C., Speaker of the Legislative Assembly.

MR. SPEAKER: Thank you. Is there any further tabling of documents? Mr. Butters.

MR. BUTTERS: Mr. Speaker, I wish to table two documents. Tabled Document 14-59, during my opening address I read two pages from a document, "Field Worker's Manual", of the Indian Brotherhood of the Northwest Territories and some Members suggested I should table that document, or table those pages. I think it might be better, sir, if I tabled the document in toto and I do so at this time.

The second document I have for tabling is a document just presented to me by Dr. Norman Ward entitled Tabled Document 15-59, "A Report Prepared for the Council of the Northwest Territories on the Proposal entitled 'Nunavut' made by the Inuit Tapirisat of Canada to the Government of Canada, February, 1976" and I believe, sir, that the appearance of the document in the chamber is the first time it has been seen by anybody.

MR. SPEAKER: Any further tabling of documents? Item 11, continuing consideration in committee of the whole of bills, recommendations to Council and other matters. Do you wish to go into committee, Mr. Parker, on the Education Ordinance?

DEPUTY COMMISSIONER PARKER: Yes, Mr. Speaker.

---Agreed

ITEM NO. 11: CONTINUING CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO COUNCIL AND OTHER MATTERS

MR. SPEAKER: Legislative Assembly will resolve into committee of the whole for continued consideration of the Education Ordinance with Mr. Stewart in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 7-59, Education Ordinance with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 7-59, EDUCATION ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to continue its study of Bill 7-59, An Ordinance Respecting Education in the Northwest Territories.

At adjournment yesterday we were dealing with comments of a general nature. Are there any further comments of a general nature? I believe Mr. Wah-Shee had indicated he wished to speak last evening. Do you wish to speak this morning, sir?

MR. WAH-SHEE: Mr. Chairman, I would like to make a few remarks in regard to the Department of Education. There has been a great deal of discussion in regard to a new approach to education. Some people have made statements in regard to better quality education so that we have the highest possible standards of education being provided in the Northwest Territories. Other people have mentioned that they would like to see more decentralization as far as the authority is concerned. I am of the opinion that the quality and the standards can be maintained. You can have your standard curriculum being taught in the schools in the territories and at the same time you can also have decentralization to the extent that the authority should be at the community level. One of the things that I feel very strongly about is whenever we make references to education we always seem to assume or indirectly undermine the value of the native cultures to be included in the educational system. I may be wrong, but I get the impression from some people that when we say that the cultural inclusion of native people should be a part of the education system, some people feel that perhaps maybe the standard or the quality of education will go down. I do not see it that way at all. I see your whole present system is basically geared towards turning native people into English speaking people and I feel that the language and the culture should be a part of the education system. It should not have to be something that you include after the fact reluctantly.

MR. PEARSON: Hear, hear!

MR. WAH-SHEE: I feel that this is something that should have been understood right from the very beginning.

MR. PEARSON: Bravo!

Achieving Two Goals

MR. WAH-SHEE: We also think what has to be done I feel, is that the ordinance gives too much authority and power to the people who are supposedly administering the education program. I feel that perhaps what we should be thinking about or looking at is how to achieve basically two goals. One is to allow the communities to have more control over the curriculum, over the teaching staff at the community level and at the same time also providing the highest standard of education that people are making reference to.

The other thing, of course, is that I think you can go to extremes. You can also say, "Why do we not all break up into various communities and let the communities provide education?" On the other hand you can say, "Let us have all the power be maintained at the Laing building here." I think you can go to extremes in either way but what I would like to see happen is more authority being given to the local school authorities in a community and at the same time you have your curriculum whereby the people in the communities should be able to come up with various ideas as to what type of education they would like to see being provided to the children in the schools. That is not to say that you are not going to have any standard type of curriculum. You require a standard type of curriculum because you have got to have quality.

Rae-Edzo School

I would like to also make a comment in regard to the Rae-Edzo school. I am disappointed in the way in which the Department of Education is not giving the proper support to the Rae-Edzo school. My feeling is that the Rae-Edzo school started off as an experimental school. They have had all sorts of ideas of having the Dogrib, so-called Dogrib expert people who do not have any formal type of education but they know how to teach the native child how to live off the land, to teach him the native language. I feel that the cultural inclusion in regard to the Rae-Edzo school board is being undermined. I have had occasion to discuss this matter with members of the board of the Rae-Edzo school and I have been told that they have been having a great deal of difficulty in dealing with the Department of Education, that adequate funds and resources are not being made to the Rae-Edzo school and because of this the Rae-Edzo school is just being looked at as just another type of school. When the original idea for the Rae-Edzo school board got started it was on the idea that we have to have a new approach to education. I think that it would be a step backward if the Department of Education does not give proper support to the Rae-Edzo school.

Like I said earlier, the aims and objectives of education I think is one area that we should think about because obviously in listening to some of my colleagues they seem to have various different ideas of what education should be. Some people feel that when, for the native people to teach their children, it should possibly be done at home and not instituted in the education system, but I feel that the implication and the impact that the education system has had thus far on these people generally has made it difficult in some ways for the native people to retain their language. I feel that we do have a responsibility, if you are going to provide the type of education that requires and finally enables the native people to speak proper English, that likewise we should place the same type of emphasis that the native people have the right to speak their language, and that should be maintained and it should be done within the education system. This I feel is really important.

History Of The N.W.T.

The other thing, of course, is that the history of the territories I feel is extremely important and so, I feel that the Department of Education should be directed perhaps by motion to transfer funds from the central office, and they should be made available to the so-called school authorities. I was reading the proposed Education Ordinance with regard to setting up your local school authority and the way I feel about it is that it is not totally committed for local control of the education system. I feel that it must go beyond the proposed local school authorities, because I feel that they are just not having any real responsibility.

The other thing of course is that when you associate property tax to education control at the community level, I feel that what will happen is that just the large centres will get the control. So, the smaller communities who do not pay property tax, will probably not obtain the local control that they should have. Now, this is a problem not only in the Dene communities but I can see the same problems with the Inuit communities. Thank you.

---Applause

THE CHAIRMAN (Mr. Stewart): Are there any further comments of a general nature? The Hon. Minister.

HON. ARNOLD McCALLUM: Mr. Chairman, I was led to believe that we were in fact discussing the ordinance in general and not getting specific, but since in effect we have, I would like to take the opportunity to comment, not only on what Mr. Wah-Shee has said in specifics relating to the Rae-Edzo school society but also some of the comments that the Hon. David Searle made yesterday afternoon in terms of attempting to find the middle ground.

Achieving Middle Ground

I think if I may refer to the latter first, that is, the Hon. David Searle's comments. The Hon. David Searle quoted from a document prepared by the Inuit Tapirisat of Canada that indicated some of the concerns they had. The bill we have before us reflects those concerns. I believe, the department believes and the government believes, as well as the standing committee on legislation believes, that this document is in fact a middle ground to achieve the things that he related to yesterday and to answer some of the concerns of the Inuit Tapirisat of Canada as well as other groups who have presented statements to the standing committee and the department.

In relation to the comments that Mr. Wah-Shee made about the Rae-Edzo society, the Rae-Edzo school society was funded for this coming year with an amount of money just under \$1 million, and that was in relation to negotiations that we carried out, the department, with the Rae-Edzo school society, and that amount of money, sir, is approximately at \$135,000 over their last years budget. This house budgeted and approved a budget in January for an amount of money considerably less than that, but we feel that the Rae-Edzo school society is in fact a viable one. We are prepared, as a department and a government, to see that it does indeed carry on the work that it does.

In relation to the comments that were made by Mr. Wah-Shee concerning this bill, and local control, there were three kinds of local educational authorities proposed; a local educational committee with certain things, certain responsibilities given to that that will in effect replace the present education advisory committees. A second step in the evolution towards more local control is, in fact, the kind of system that is now taking place at Rae-Edzo, a local community education society that does indeed allow that particular kind of body to have and to acquire and to do many more things than the committee. It is not based on tax, on taxation, it is not based on land holdings the way that the board of education is, the board of education that we are proposing in this bill is to reflect that there are in fact two school boards in existence in the Northwest Territories today. They are both in Yellowknife, the public school board and the separate school board, and the bill that you have in front of you allows for the formation of not only more school boards, but separate school boards as well as public school boards, and these are in actuality based on a taxation. We make no pretences as to otherwise, but that is the final step, and I would suggest, sir, to you, and to my colleagues here, that in the bill we have proposed which again is a middle ground, an attempt to take into consideration all the things that people wanted us to take. I would doubt very much whether in fact we have any more school boards, or in fact whether the present school boards would like to continue because they have to raise a certain amount of their funds.

Funding Of School Boards

This government from the last Council provided 100 per cent of the operation and maintenance grants to the school boards and to every other school in the territories under the Department of Education. The only restriction, if you like, or the only amount of money that the school boards have to raise is 25 per cent of approved capital funding that that particular board would want to have but, Mr. Chairman, I do not mean again to get into specifics but I can not let the statements that are being made about the Department of Education in particular go by without responding to them.

---Applause

THE CHAIRMAN (Mr. Stewart): Thank you. The Chair finds itself in a little difficulty in keeping this particular subject to generalities but it is not that specific and clearly cut to do so. As to the importance of the bill the Chair is being most lenient in this regard. It can be tightened up at the direction of the committee if you wish but because of the importance of the bill the way we are approaching it is probably the best.

MR. PEARSON: Agreed.

THE CHAIRMAN (Mr. Stewart): Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, I had not originally planned to talk on the philosophy in the generalities of the bill but I see now that most of the Members consider this to be a very important thing that should be done, so I will add my few comments for what they are worth. It has been with a great deal of interest that I have listened to other Members and with some I agree and with some I tend to have a slightly different opinion. The Hon. David Searle gave a very good analysis of what in his opinion is the issue at stake and although he admitted it had been somewhat of an overstatement for the sake of clarity, I think I would like to comment further on his analysis.

Undoubtedly one side of the question is a centralized authority that dictates to every local jurisdiction how education should be run within the various communities and on the other hand there is, of course, the other view, that everything should be done and controlled at a very local level. Undoubtedly there are some people who honestly subscribe to the latter view and I think that the former member for Mackenzie Great Bear would have been one of these. I think that if you take that latter view, that everything should be controlled at the local level, I think you have to be very naive in thinking that it will work in the Northwest Territories because it would be very difficult, for instance, for a community with maybe 50 or 100 or so people to undertake the hiring and firing of teachers. It would be very difficult to arrange interviews and that type of thing.

Native Organizations Knowledgeable

I do not think that the second course of action as outlined by the Hon. David Searle is really what the official or recognized native associations are talking about in fact, although the written briefs might tend to give that opinion. I for one do not think the people in the head offices of these organizations are naive at all. I think they are very experienced in the ways of the world and how things operate. I draw my conclusions from conversations with the people, from questions that we put to them and the answers they gave when they appeared before the standing committee on legislation, from the knowledge of how they operate in other areas, in other fields, and especially in what has been happening in the James Bay region with the grand council of Crees of Quebec.

I think what you see has happened here or what most likely would happen is that if control was given to the various native organizations, they would find themselves in the same dilemma as us, whether they are going to have central control or they are going to have the power dissipated out to the local communities. I think what their position is is that they would like to have the power over education, be responsible for the hiring or firing of teachers and this would be controlled by a Department of Education so to speak set up within the Indian Brotherhood and Metis Association and Inuit Tapirisat head office and they would be able to resolve the dilemma facing us maybe a little better than we can. I do not think they would have any intention of giving absolute control in each instance to the local community.

Actions Of The Grand Council Of Crees Of Quebec

I think in a number of journals recently we have seen advertisements placed there by the grand council of Crees of Quebec, advertisements trying to hire people for senior educational, administrative type positions. So, this would seem to be what they are doing, they are setting up a department of education, so to speak, and trying to resolve the dilemma the same as what faces us here. So, in my opinion, the question is whether the Government of the Northwest Territories should be responsible for education and try to resolve the various conflicts that arise or whether in fact the native organizations themselves should take over the responsibility for education in the native settlements and that they resolve the problem. That would seem to be the conflict, or what we have to resolve here.

While I am speaking, Mr. Chairman, I would like to endorse Mr. Lyall's view, that although on paper from a strictly legalistic point of view, the system might not appear to be strictly giving the local communities the amount of freedom that they should have and the amount of control they should have, in fact where communities have made a real effort to make the system work, it works very well and, as Mr. Lyall has informed us, in his constituency where people are undoubtedly making a real effort they find that they can have a lot of input, even under the present system with just advisory committees. They can have a lot more input and a lot more control and a lot more say-so in what goes on than might necessarily appear at first glance on paper.

Local Versus Central Control

The same point of local versus central control was brought up by Mr. Wah-Shee in his address to this committee and this reinforces my point, that this problem would still exist if control was given strictly to the native people on a racial basis. He undoubtedly has, or is faced with the same dilemma and again this point was raised by the Hon. Arnold McCallum and his idea that this legislation is an attempt in the first instance to get around this problem and try and find the happy medium is a good one and I think that although we might not have hit the exact right position on the line between central and local authorities, this is a real honest attempt on the part of the Department of Education and the Government of the Northwest Territories to make some kind of a compromise in this respect. We might have made it a little bit to the wrong position but there is no reason why it should not be altered later. This thing has been discussed for five or six years and I think under the circumstances it is probably the best we can do at present and after a period of time when we have more experience with the working of this ordinance, if it ever gets to that stage, it will allow us to be able to make amendments in future which will leave us even in a better position.

Language Of Instruction

The question of languages in schools, the language of instruction, is a problem we could argue about for weeks on end and never come to a solution that is acceptable to everyone. You only have to look to Quebec for instance to see the continuing discussion that is going on on matters of language. Again this ordinance is, in my opinion, an attempt to make a compromise on this particular point and we would hope again that if it does not work out as is written here, in future we would have the opportunity to change it. I would not like to see us get bogged down in an argument that goes on day after day over the language of instruction because we know we can not come to a solution that is going to be acceptable to everyone. I hope that Members of the Assembly would discuss this, make recommendations, changes if they feel they are absolutely necessary, but I hope that they would do so in the knowledge that nobody is going to get really what they want and if they can do it in a spirit of compromise and willingness to understand everyone else, I think we can make some real progress.

Another point made by Mr. Wah-Shee is very important and I think it is important too, is that people in the Northwest Territories, especially in the smaller communities, and even in fairly large ones such as Rae-Edzo should be educated or should be trained so that they can make a living without having to go and get a job. Jobs are scarce in the North, they will probably continue to be scarce and we will probably continue to have this boom and bust thing for a long time to come.

Employment Easier In The Past

Now, just a few dozen years or so ago when I came here most people in the territories, whether they were native or whether they came from somewhere else originally, were capable of making a living without having to go and punch a clock at 9:00 o'clock every morning. If things got bad they could always go in the bush and trap and hunt and set a fish net. This was generally, regardless of the racial origin of the people concerned -- they were generally jacks of all trades and they were not strictly say a carpenter, as most people can do some carpentry work, some people knew in this area about prospecting and diamond drilling, so they did not have to get a job. You were not an unemployed carpenter if that was mainly your job because if there was no carpentry work around you might go work on a diamond drill or you might go and hunt and fish.

What we have been doing over the last few years is to create a proletariat in the North, create a body of people who must be given work and I would strongly subscribe to Mr. Wah-Shee's view that this should not happen in the Northwest Territories. People in the Northwest Territories where we have so much land so many resources in the way of fish and game should be trained one way or another so that they are able to make a living for themselves without having to be given a job by somebody else.

MR. BUTTERS: Hear, hear!

MR. NICKERSON: I do not want to get into too much of the argument here of how much should be taught in school and how much should be taught by the parents of the people involved, I think again it is a compromise. Obviously the parents have certain responsibilities but I would look at it in the same way as vocational training. We train people to drive a Car and we train people to be dental therapists. I think in certain areas we should train people to hunt and fish. There is not that much difference to it the way I feel. Obviously in Edmonton it would not be too much good training people to set fishnets because there are no lakes near there. They should obviously concentrate on bookkeeping or machine work but in the Northwest Territories I think this is a legitimate thing to teach people.

Control Through Taxation

Finally, Mr. Chairman, I would like to endorse the Hon. Arnold McCallum's view that as far as is possible in this ordinance the government has tried to get away from tying control of education to taxation. The government, of course, has admitted that in the city of Yellowknife

it is the ratepayers who have a great deal of control but in all the other communities we have taken away the fact that it would normally be provincial practice to tie control of education to the payment of local taxes. I think we have done this in the best of faith and the government has made a real effort to understand the views of the people who objected very strongly to this type of situation. When we get to very large communities such as Yellowknife, there are certain difficulties involved in that people are willing to pay extra and the people who pay extra are the ratepayers for extra additional control which they are able to gain in larger communities. This again is a compromise in that I think the government has honestly done a good job of trying to take everybody's views into account. Thank you, Mr. Chairman.

---Applause

THE CHAIRMAN (Mr. Stewart): Mr. Minister.

HON. ARNOLD McCALLUM: Mr. Chairman, I want to correct a statement I made in my haste to refute or attempt to refute some of the statements. I suggested that the school boards, local school boards are funded 100 per cent for their operation and maintenance and 75 per cent for capital. I want to correct that to say that it is the opposite. They are funded 75 per cent on their O and M and they raise the 25 per cent and we give 100 per cent capital.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Wah-Shee.

Federal Responsibility For Education Of Indians

MR. WAH-SHEE: Mr. Chairman, I want to clarify one point. When I was making reference to the board of education which is based on property tax, I was merely trying to make a clarification here before the Legislative Assembly that as far as the treaty Indians are concerned the responsibility for providing education is a federal responsibility and it is within Treaties 8 and 11. This is the agreement that the Dene people have made with the federal Government of Canada, that they will provide education for the Indian people and that the structure of the board of education, if it is going to be based on property tax, there may be some problem there. This I feel is something that the Indian people are going to have to reach an arrangement with the federal government on. I do not feel that that should be the criterion for control of education at the local level ...

MR. PEARSON: Hear, hear!

MR. WAH-SHEE: Possibly you may find that other arrangements can probably be made in this regard. Thank you.

THE CHAIRMAN (Mr. Stewart): Any further comments of a general nature? Any further comments on Bill 7-59? Mr. Lafferty.

Funds For Support Of Linguistic Groups

MR. LAFFERTY: Mr. Chairman, I was going over this document over in my room during the last week and I agree with its major content in that I am in agreement with the Minister where they have attempted to reflect the view of the general public in the North. Getting back to the language inclusion in the curriculum, with all due respect to my honourable colleague, Mr. Wah-Shee, I am in sympathy with the native languages as there is a deterioration of knowledge in this area. However, I can not see it as being beneficial as part of the total school curriculum at the territorial level. The native languages could and should receive greater support and funding, there should be funds available for the teaching and maintenance of the different dialects, the Athabaskan linguistic groups, just as we have that type of practice throughout Canada in the various provinces and certain schools being set up by the cultural groups such as the Ukrainian people have, schools of their own which receive a certain amount of assistance from the provincial governments to teach their culture and their language. However, in the over-all education policy, it must mean that we place greater emphasis on a national language, or international language, and that is English. I realize as well, and again in agreement with my honourable colleague, Mr. Nickerson, that we must find ways and means by which the native people in the North could maintain themselves by the practice of hunting and fishing if necessary since our economy is rather unstable, or undeveloped. However, if we are to develop a future economic policy the only two that are available to achieve the many expressed views of the people in the economic future of the Northwest Territories, we pretty well have to adapt to or master the English language because that is the language at the national level at which we must work.

As I have indicated there are many ethnic groups, or linguistic groups in Canada who are successfully teaching and maintaining their languages, but then these people do have a certain amount of financial input. In the case of the native people, for whom, as my honourable colleague, Mr. Wah-Shee, points out, that they are provided for, there should be some kind of provision in the School Ordinance which allows for this type of thing. For instance we also have a large number of people in the Northwest Territories unaccounted for, and that is the French speaking people, as there are a lot of French speaking people in the Northwest Territories who are saying nothing and we, referring back to my reply this morning, as I indicated, time and again, we are one people in the North, we are northerners. We should be treated equally and if we are to be treated equally then we must have one common language, and a mastery of one common language ...

MR. PEARSON: Right.

One Common Language First

MR. LAFFERTY: So, I see the native language inclusion program in the curriculum as a detriment to the Indian person who is trying to take his proper place in the mainstream of

society. I am not saying that he should be prevented from learning his language, to keep it, but all I am saying is that we should have one common language first.

Somehow I have a feeling that we are using the native people as a tool to achieve our political aims and ambitions, and I do not think we should approach it that way in education. I think we are dealing with our future, the lives of those who are taking our place, and these young people have a right to take their proper place in society. We are not going to be here forever, we will soon be gone. I had a great deal of difficulty in my lifetime simply because of my inability to communicate in the mainstream, and I never want to forget that. The other disturbing factor that I hear is that there is too much local control in the communities which are lesser along the Mackenzie area, to local schools where there is a clear majority of Indian people such as Fort Providence, Wrigley, Fort Norman and other communities. I believe that they will end up teaching totally Indian languages in the schools and their children in future, on whom we are spending a lot of money, will not benefit from it.

Secondly, if this happens everybody is going to suffer, the whole school system will suffer, and in most cases these native language speaking people along the Mackenzie Valley corridor anyway are divided into four groups, and most do not understand one another, within a radius of 500 miles, and their numbers are very small in population. So, what are we going to do in future with meeting these type of pressures? We are going to have a little Slavey group in Fort Simpson consisting of 2000 people speaking the Slavey language and teaching the Slavey language to set up their own schools and so on. I can not see the feasibility of it at all when we are dealing with the English speaking world which is totalling over one billion people. It hardly has a chance of success.

Getting Native People Into The Mainstream

Now, going back to my earlier remarks I think we have to throw a silly notion out of the door and look at facts. How can the people best benefit, how can they take -- master the disciplines of the world so that they could get into the mainstream? This can be achieved while those who are interested in maintaining their culture and language can do so. It is a proven fact that other people in Canada have done it and I can not see why the native people could not do likewise. Thank you.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Steen.

MR. STEEN: Mr. Chairman, I will not be very long on this. What I am picking out of this ordinance is that I find it to be quite fair and there are some questions I have in mind as we go through it clause by clause which will probably come up. In the whole view of education that we are going to be taking in the future we must consider the influx of different people coming into the territories and what kinds of schools are we going to have control over, or should we treat one ethnic group more fairly than another or should we treat them all alike? I would tend to think that we should treat everyone alike but still take in the suggestions from the different briefs that we have received, not necessarily use them, but use them to the best of our thinking.

Hiring And Firing Of Teachers.

I was looking at the Northwest Territories Teachers' Association brief and it seems that it is going to take us a long time to go through these to try to implement all of the things. Some of the things I disagree with what they have said in there and the Inuit Tapirisat of Canada's brief I do not believe that we should give complete control to the communities as to hiring and firing of teachers because we must realize that some of these teachers who come into the Northwest Territories are human too. The people in the Northwest Territories are not yet capable or ready to teach themselves. They have not got the schooling. We still need teachers from the South and to be too harsh with hiring and firing teachers which I am afraid could happen in the communities sometimes just because someone on a board could have a grudge against someone and it could result in the firing of the teacher, where it can probably be worked out through handling of teachers and it could be done another way as it states in the ordinance. I think I have said it before, that there are other ways of hiring and firing teachers, especially firing teachers. I think we are elected people. Legislative Assembly Members are elected so why can the community not come to the Member so that the Member can bring these things up to the Executive to find out why he is not doing his job?

I think that is a wee bit on the harsh side coming from the Inuit Tapirisat brief. After all, I am not in total agreement with the concept of the Inuit Tapirisat. I think it will come out when Mr. Arvaluk comes here. I do not feel that the Inuit Tapirisat really know their own people in the Northwest Territories. They made up their presentation without consulting the native people in the Northwest Territories completely. Only now after they presented their paper to the federal government are they going back into the communities to try to teach them what is said in the paper so really they are working after the fact.

I can only say that we can only use what is in the brief on the education paper for what we think we can use out of it, not necessarily all of what has been suggested in the brief is good. There are many things that were said in the last part of yesterday afternoon and this morning but they were so vastly spread out that I could not remember some of the things.

Overlapping Of Services By The Federal Government.

There is one danger here with respect to what Mr. Wah-Shee has said and that is that I believe the Metis Association has said too that teaching of the Dene people is the responsibility of the federal government. When you look at a place like Fort McPherson, they are asking for a hostel to keep the kids or a place to keep their kids and they are asking for money. I can agree with it that they have the right to ask, but if the federal government is going to do the teaching, let them build the hostel because we are not going to have any control over the education so let the federal government build the hostel -- communities like that, it could happen in other communities, Inuit communities. If that is in their land claim to overlap with the services that we are providing, try to provide, then this is a question that is bothering me today.

---Applause

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Steen. Mr. Kilabuk.

MR. KILABUK: Mr. Chairman, I am just going to read a letter that I have not written myself. I got the letter from the teachers. They had a meeting on Baffin Island in February.

Letter From Teachers

"I have heard that when you go to Yellowknife for the May-June meeting of the Legislative Assembly you Members will be discussing the new Education Ordinance. I do not know everything about the new ordinance but I have heard a couple of things that I think you should know. Number one, the people who made the ordinance have written in it that classroom assistants can not be members of the Northwest Territories Teachers' Association. I do not know why they wrote that but you will be deciding that problem when you get there. I know you and your work for the Inuit and I know that you will not like this racist slur. We know of your concern for the Inuit and we know that you will do your best to make sure that there is no law made that keeps the Inuit classroom assistants in an inferior position. If the law passes with that part in it, it will mean that our Inuit are not good enough to join the teachers. Many of the teachers want the classroom assistants to join with the union. We can help them and they can be a great help to us. Together we are stronger. Also the classroom assistants by themselves want to join our union. At the last meeting we had last February the classroom assistants passed a resolution stating their desire to join us. Maybe the rest of the ordinance is okay but hope you will fight against that part for us and for the Inuit.

Another part of the ordinance is that if it is passed our Northwest Territories Teachers' Association will be the only unit to bargain with the Government of the Northwest Territories. Maybe you know that we teachers here in the Baffin region are thinking of leaving the Northwest Territories Teachers' Association. Maybe we will, maybe we will not. You know the problems of the East-West communications. We teachers in the East think we should be better off out by ourselves. If the law is passed as it is, we will not have that freedom to leave and the freedom to try to solve our special problems in our own way. Please fight against this part of the ordinance. You know that the West is not the same as the East. I am sorry that we do not have time to talk those things over before you leave." That is the letter I got from the teachers when they had a meeting in February. I did not write that myself, I have just brought it forward to your attention for the first time but I would really like to know what is going on.

Teachers Know Best

However, concerning what everyone has said I would like to say one thing, we are not teachers. The teachers in the Northwest Territories have had meetings and if we knew what they thought I think we would all be a lot better off in trying to help them out and I think we should think about what they think themselves and what they want because they know how to be teachers but we do not know how to do that ourselves. Even though we are not teachers we ourselves seem to think we know what ought to be taught but I think the teachers are the ones who really know what should be taught. That is what they seem to be mostly talking about.

Also I think I notice that we always talk about our ideas but they never seem to be carried out, or at least most of them are never carried out and I would like everyone to think more about the teachers' meetings and look at what they are trying to do and I personally think we should agree with them more and that is definitely the way I would prefer it.

THE CHAIRMAN (Mr. Stewart): Thank you very much, Mr. Kilabuk. Does anyone else have anything to say of a general nature? The Chair recognizes Mr. Wah-Shee.

MR. WAH-SHEE: I just want to clarify a point here. When I was mentioning the federal responsibility for the education of Indian people I was merely indicating that this is the agreement that exists under Treaties 8 and 11. However, at the present time we all know that the territorial government is providing the education services and, as I understand it, it is still a federal responsibility but they have allowed the territorial government to administer this particular program. So, if Fort McPherson would like to have a smaller hostel than the one they have at the present time, then it is still the responsibility of the territorial government to provide these services.

Emphasis On Cultural Inclusion

The other point is that I do not -- I am not too sure in my own mind just what importance is being placed on the native language, their cultures and traditions because one of the basic principles behind the Education Ordinance is to provide education to native children, it is that they learn to speak English and that you do not place a value on native people speaking their language, to know their background, their own history, about their culture and traditions. Then, essentially when it comes right down to it, we are coming up with an Education Ordinance which deliberately is trying to undermine the importance of people to understand themselves, with regard to who they are, and this is the point I am trying to make.

When we talk about native culture inclusion in the Education Ordinance, some people look at it as a luxury item or a means to speak better English and I have nothing against people learning proper English. I feel that this is a fundamental principle that has to be behind your Education Ordinance to ensure that people speak proper English but, at the same time, I do not feel that I should sacrifice my language, my culture and my tradition just so that I can learn English. I do not feel that way. I feel that it is not something that should be of a secondary item, or something that you do not place a great deal of emphasis on and the present education system does not encourage that and this is why you have got in some of the communities chairmen do not even know how to speak their language. So, this is a point that I want to clarify. Thank you.

THE CHAIRMAN (Mr. Stewart): Mr. Pearson.

MR. PEARSON: Mr. Chairman, we have heard many views expressed here today and yesterday in trying to talk in general terms. It is very difficult with an ordinance which is a broad as this is, and if I may add, so badly put together.

HON. ARNOLD McCALLUM: Oh, go on, garbage!

MR. PEARSON: That was the term I was going to use. The ordinance we have before us I think is a compromise as many Members have indicated and it is the best we can do at this time and let us keep it until such time as we come up with a better one, it will do for now and all these kind of phrases we hear rattling around the chamber. I do not believe that this ordinance is anything other than a jazzed up version of the one we have just seen, or the one we are currently operating on.

HON. ARNOLD McCALLUM: Ridiculous!

Putting Education Into The Hands Of The People

MR. PEARSON: The ordinance empowers the bureaucrats in Yellowknife to continue functioning, it enables the present growth in the civil service to continue. If any of the school boards outlined in this was to attain the highest possible standing as a school board, a tax-based school board, we would end up, conceivably, with as many as 60 superintendencies, 60 school boards, 60 monstrous bureaucratic organizations and I do not think that that is the wish of this Assembly. I do not think it is the wish of this Assembly to see bureaucracy grow any more than it has done now. I think though it is the wish of this Assembly to put the matter of education into the hands of the people where it belongs. We talk about school boards as though they were a strange unique creature that just came down from outer space. We seem to forget that every

community in southern Canada, practically every community in southern Canada operates on the school board principle, that school boards in the communities decide, and determine what education programs exist in that community, but whenever one brings the subject up in the North everybody looks at you as though you are out of your mind.

Powers Of The Commissioner

The responsibility of education must rest in the hands of the people of the communities. When we read this ordinance, at least my interpretation of it, in PART I "Administration, Powers of the Commissioner" one sees one right there in that section that is where the responsibility of education is. It lies in the hands of the Commissioner of the Northwest Territories, not with the people. There is absolutely no difference between the power that he will use or exercise under this ordinance than there is in the previous ordinance. I think it is again a horridly prepared document which has not taken all factors of education into it, to the real needs of the people. It has not looked at the thing from the regional point of view. It is still based on, as I have said, the principle of operating out of Yellowknife and as long as that principle applies the standard of education in the Northwest Territories will continue at the very poor pace it is now for a long time to come.

I believe the day is here when we, the Assembly of the Northwest Territories, have to right some of the injustices that have been perpetrated on the people of the Northwest Territories. In listening to Mr. Wah-Shee this morning he says the people have a right to learn their own language, a right to know who they are. We, the Legislative Assembly, have that responsibility and do not think you do not. We are the people who make these decisions. It is our responsibility to give the people in the settlements, the communities the necessary tools to equip them to live happily, to be able to live and earn a living, be it on the land or be it in a job. It is our responsibility to enable them to do that and nobody else's. This ordinance in my opinion does not do that, does not achieve that, will not achieve that. It is just a great big bureaucratic pile of nonsense.

THE CHAIRMAN (Mr. Stewart): Any further comments of a general nature? Hon. Peter Ernerk.

Positive Approach Necessary.

HON. PETER ERNERK: Mr. Chairman, I wonder if there is anything left for Keewatin thinking or Repulse Bay. Mr. Chairman, when we speak of the education system in the Northwest Territories for the people of the Northwest Territories I usually like to look at the experiences that I had in the past personally. In a lot of cases -- yes, Mr. Pearson, that is correct -- in a lot of cases it seems to me that we as the Legislative Assembly responsible for the legislation papers, bills in the Northwest Territories must look at the positive side and not merely the negative side. Speaking of the people who are my age group and looking at the situation as to where they are today it gives me such an exciting feeling in that these people who went to school in the communities like Chesterfield Inlet and perhaps some other places in the Northwest Territories have succeeded. Mind you, not all of them, because of the kind of educational system which we had, which I had, back in Repulse Bay, the kind of educational system which I received from my parents -- I wondered when my honourable colleague to my left said yesterday, "Well, look where it got you to". I wonder a little bit about that, whether speaking for myself did it get me into the kind of a society where I do not belong?

We heard a number of comments this morning that we must have a common language which I heard was English. To a certain extent it is great to have some kind of a common language, I think, but when I take a look at myself personally, speaking for myself, I still consider myself to be an Inuk, an Eskimo. I consider myself to be an Inuk, not simply because I know how to survive on the land like my father did years and years ago or any other fathers, any of our fathers in the Keewatin district. I consider myself as an Inuk not simply because I know how to build an igloo because, after all, anybody could learn how to build an igloo. Most of all I consider myself to be an Inuk simply because I speak the Inuk language just as much as Mr. Pearson speaks the English language. I suppose that has a lot to do with it. I do not happen to believe for one moment that an average Inuk person in Baker Lake would be interested in moving over to an igloo from an electric stove, or from an electric kettle or from a warm house or from a snowmobile back to dog teams. These things are gone unfortunately. However, I am a great believer of the kind of language that should be taught in the classrooms.

Importance Of Native Language.

Well, you know, my comments are not very new, I made those comments before in previous sessions and so forth, and I am not really too sure how soon you should start teaching the Eskimo people, the native kids, about their own language, or about the kind of programs that should be taught when you live in Baker Lake or when you live in Eskimo Point. I am in favour of course of teaching young children, especially how to survive in their own communities, using the kind of lifestyles that are followed in today's society. History books I am sure will tell the kind of lifestyles that were followed years ago, there are a few of them, and "Nunaga My Land My Country", which was taken from my country was one of them. There are a few other books which are available in the school libraries across the Northwest Territories which tell about the lifestyles that my ancestors followed but, Mr. Chairman, it is so important to me that I continue to speak my own Inuk language. It is so important to me that the young people, the young kids, continue to speak their own native languages, and in my case of course I speak for the young people in Baker Lake, for example, or Repulse, and other places in the Eastern Arctic. I will reserve my other comments until later on I think, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Any other comments of a general nature before we start going through the ordinance clause by clause? Mr. Evaluarjuk.

MR. EVALUARJUK: Mr. Chairman, I am going to say very little about schools. I am not really against them, I like the school system as it is right now, the way our kids are taught in English, and I know as I have been to the school and I know it is not always good to always follow the way of white man but it is not always good not to follow it. In our land we have some things that are the same as in the South and if we follow everything the white way that I think also would be bad for our children and the Inuk people. Now, if we follow our own way of life in Inuktitut we would end up going back to it. For myself I never went to school and I think to go back completely to our old way of life and this is the major concern up north about our way of life, and I am sure most of them would not have any jobs though some may have jobs and if they do not go to school they would not have any jobs available to them.

Now, in our area we have maybe 700 people but maybe only 300 would get jobs but most of them would not have jobs and some of them may want to go to other settlements to work and some of them may wish to go to Yellowknife, a much bigger city and of course that belongs to the Northwest Territories and it is completely different from any of the other settlements. Now, most of the people from the communities are on the seacoast and when they are here in Yellowknife you do not go south as you are an Inuk person from one of the settlements.

Retaining Inuit Ways

So, if we tried to get things done, perhaps it would be better for the Inuit and the Indian people, who want to take their people, and if we try and do things on our own we could not do that and the teachers and lawmakers try and do things that I am sure an awful lot of the Inuit people would not agree with. Now, if we say that they have to go to school, and say to them that these things have to be learned, especially our own language it would make the Inuit people, our future people, they would still be called Inuit and they could speak their own language and they would of course live in Inuit ways. That is really all I wanted to speak about.

---Applause

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Lyall.

MR. LYALL: Mr. Chairman, I would just like to make one comment. I feel it is too bad that we shelved the political paper last June, otherwise we would have all the powers Mr. Pearson was speaking of.

THE CHAIRMAN (Mr. Stewart): Any other comments of a general nature? Are you ready to go clause by clause? Is it agreed?

---Agreed

Clause 2, interpretation.

HON. ARNOLD McCALLUM: Mr. Chairman, if we are now going to go through this clause by clause I wonder if I could have the Members' agreement to have Mr. Blewett join me at the table?

---Agreed

THE CHAIRMAN (Mr. Stewart): Call Mr. Blewett, please. Mr. Minister, are we now ready to proceed? Clause 2, interpretation. Are we agreed? I only have one agreed.

---Agreed

Clause 3, administration.

MR. NICKERSON: We are not agreed on clause 2 as yet. I thought the agreement was to proceed to a discussion of clause 2 as there are some very important implications involved in clause 2.

THE CHAIRMAN (Mr. Stewart): When I get an agreed I am turning the page. However, back to clause 2. Mr. Pearson.

Academic Year

MR. PEARSON: Clause 2, interpretation (a) "academic year". I would like to get some idea from this administration where they dreamed those dates up from and how they relate to the needs of the people who live on the Arctic coast. If there is to be an academic year I noted that it is to be the 1st day of July in one year and ending on the 30th day of June the following year. Surely the academic year in the settlements has to be that which is decided upon by the people in that community?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I think that the Hon. Arnold McCallum is occupied. That is simply a legal definition to define which year you are talking about, and within that the actual school year is left to a very great extent up to the local communities. I mean it is just a definition for financial purposes of what comprises the academic year rather than making the division at say Christmastime or the 1st of April, the division is made at the 1st of July so that everything after the 1st of July falls into the next academic year. It has no relationship to the opening and closing dates of the schools.

THE CHAIRMAN (Mr. Stewart): Mr. Pearson.

MR. PEARSON: In that case I am sure you can appreciate that in some of the school districts or whatever they are called if they are to be administered by the local community authorities that operate on a calendar year or fiscal year, why would this be in conflict to that? Why is it not possible that the academic year tie financially, as you pointed out, for financial purposes, tie into the financial year of the community or even of this government?

THE CHAIRMAN (Mr. Stewart): Mr. Deputy Commissioner?

Defining Break For Financial Purposes

DEPUTY COMMISSIONER PARKER: It does not now. This is what is in effect now and there is really no reason to change it. You see, within this definition the actual school year can be accommodated. I think that our experience indicates that nobody is going to choose to be

operating the school right at this particular time so it is a good time to define the break for financing purposes. I can not understand Mr. Pearson's point. Maybe he could explain what he is getting at. You see, you do not want to make the definition from the 1st of April because most of the schools will be in operation at that time. You do not want to break it at that time for financial purposes.

MR. PEARSON: Mr. Chairman, it is conceivable that some of the schools may not be in operation at that time, that the 1st of April would be a time in the year when the parents would take their children out of school to go to the seacoast or to the hunting camps which is a very important time of the year, certainly in the Eastern Arctic.

DEPUTY COMMISSIONER PARKER: That can be accommodated. What is Mr. Pearson's suggestion here?

MR. PEARSON: The point I am trying to make is that the Deputy Commissioner informs the Assembly that the purpose of this is for financial reasons. In other words, it is the fiscal year of the school.

DEPUTY COMMISSIONER PARKER: Okay.

MR. PEARSON: Is that what you said, in most cases the fiscal year of the settlements, communities and municipalities?

DEPUTY COMMISSIONER PARKER: It is either the calendar year or the Canadian fiscal year, but I do not see what bearing that has on this.

MR. PEARSON: You do not?

DEPUTY COMMISSIONER PARKER: No. I do not want Mr. Pearson to think we are trying to ram something down his throat or trying to inhibit anything.

MR. PEARSON: I am just trying to get an understanding as to why these dates were chosen. That I do not have, not as far as it satisfies me.

THE CHAIRMAN (Mr. Stewart): Mr. Minister, did you wish to comment?

HON. ARNOLD McCALLUM: Mr. Chairman, I think that starting the argument or what seemingly is an argument on these two dates does not really matter that much to us. I think that the 1st day of July and ending on the 30th day of June of the following year to a great extent took into consideration not only what the Deputy Commissioner has indicated but also the hiring, taking on of teachers.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Butters.

MR. BUTTERS: Mr. Chairman, the Deputy Commissioner said that there is no reason that he can see for changing or meshing these two years. There is a problem that is presently experienced relative to the financing of each year and that is that we approved in January the budget for the next year and yet we do not really know exactly how much we will be required to pay to the establishment of teachers, between 600 and 700 individuals. It seems to me because negotiations are going on now or have just gone on and therefore to me it puts the administration in a very difficult position of having to guess the amount of money that they will have to set aside to pay teachers' salaries and benefits. I think if they make an error of, say, 2 per cent or 3 per cent in estimating that amount of money, it could run up into the hundreds of thousands of dollars. I am just wondering if there is any way in which the academic year in which the teacher provides the service could be related to the territorial fiscal year in which that service is paid or projected to be paid?

Negotiations With The Unions

DEPUTY COMMISSIONER PARKER: Not really, Mr. Chairman. The estimates that are placed before Council are indeed estimates and by delaying their presentation until the negotiations with the unions have been completed would not really serve any particular purpose. We have always been able to build in sufficient flexibility to handle this situation and I am sure that we will in the future. By the same token backing up or changing this timing on the academic year really would not make any difference there. Over the years we have built up a volume of statistics from which we can make reasonable estimates based on a July-to-July basis so it does not present us with a problem. We do not see any other particular solution to it.

MR. BUTTERS: Mr. Chairman, I was not suggesting that this Assembly accommodate itself to the negotiations being carried out between the territorial government and the teachers' union. I was suggesting that those negotiations accommodate this Assembly, that it is this Assembly's responsibility to vote and approve the funds for the year to come.

THE CHAIRMAN (Mr. Stewart): Does the administration have any reply?

DEPUTY COMMISSIONER PARKER: Beyond saying that it is just not a problem, Mr. Chairman, and this Assembly does in fact approve the funds and in fact they are estimates but that same thing applies to most other expenditures. There is no way you will know exactly what something is going to cost until the money is actually spent. So, it just is not a problem.

THE CHAIRMAN (Mr. Stewart): Mr. Lyall.

MR. LYALL: Mr. Chairman, I personally understand what this means. Just for instance, in Cambridge Bay the academic year starts in August and ends on May 28th. So, this is why I would agree with what is in the ordinance.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Pearson.

Timing Of Discussion On Interpretation

MR. PEARSON: Just as a point of clarification or a point of order, Mr. Chairman, I wonder why we are now taking time and I know it is precedent, but why bother to discuss in great detail the interpretation or definitions when we have not even in fact looked at the bill. It seems to me that it would be more appropriate for us to discuss first the bill and then go back and discuss the definitions because surely in many cases we are sort of doing everything twice. We must first of all understand what they mean and then go back and discuss the definitions. Does that make sense to Members?

THE CHAIRMAN (Mr. Stewart): Is that the wish of the committee?

MR. NICKERSON: Mr. Chairman, I think a preliminary look at the definitions is important. I think we should generally agree on the definition section before we go through the bill. I can say this because as chairman of the standing committee on legislation, myself and other Members of the committee have studied the bill in detail. We spent many, many hours on this and the

reasons for my suggestion will become apparent as we go through. Mr. Pearson probably has a point, and it is a rather extensive definition section, and should he be dissatisfied with it after we have gone through the bill I would suggest that the committee leave it open for him to come back to it should he wish to at that time.

THE CHAIRMAN (Mr. Stewart): Thank you. I have two suggestions and what is the committee's suggestion? Do we agree to continue? Is it agreed?

---Agreed

MR. BUTTERS: Just one other brief comment with regard, as far as I am concerned, to the interpretation section. In 2 (1) "teaching personnel" means teachers, classroom assistants and adult educators" and I wonder if one should also include in there the tradesmen to whom apprentices are assigned or individuals who are providing what one might call on-the-job training.

THE CHAIRMAN (Mr. Stewart): Mr. Minister.

HON. ARNOLD McCALLUM: Mr. Chairman, just to comment on that, the bill is a departmental piece of legislation and we do not have jurisdiction over tradesmen.

THE CHAIRMAN (Mr. Stewart): Mr. Wah-Shee.

Including Qualified Native Teachers As Teaching Personnel

MR. WAH-SHEE: Yes, under the interpretation of "teaching personnel" or "teacher", I am wondering if it is possible to include in there the qualified native teachers who may not have any formal education but they are the people who teach the culture and traditions in the native language to the native students. I know this point was brought up before, and I do not really recall at which session, but we got hung up I believe with interfering with the teaching profession or something like that. So, in line with cultural inclusion, you would need qualified teachers to teach, and I can not see any southern teacher with a teaching certificate to teach Dogrib history.

MR. PEARSON: Right.

MR. WAH-SHEE: So I am wondering if we can be flexible enough to come up with some other definition to include that.

THE CHAIRMAN (Mr. Stewart): Mr. Minister.

HON. ARNOLD McCALLUM: Mr. Chairman, 2 (m) under "teacher" "...means a person who holds a subsisting certificate of qualification issued by the Commissioner..." and if the Commissioner under this bill gives a letter of certification to that person then they are regarded as a teacher, and then I think that that would put into effect what Mr. Wah-Shee is talking about.

THE CHAIRMAN (Mr. Stewart): Mr. Pearson.

MR. PEARSON: Well, I think Mr. Wah-Shee has covered the point, where we find "teaching personnel" and then a definition but this only defines "teacher" and does not cover such things as an adult educator. It does not define classroom assistant in the definitions and I would just like to know why they are not defined. Everybody else is defined including a voter and a janitor.

THE CHAIRMAN (Mr. Stewart): Mr. Minister.

Defining An Adult Educator

HON. ARNOLD McCALLUM: Mr. Chairman, there is nothing wrong with adding if we believe that they should be defined under the interpretation section, there is nothing wrong, and I am not opposed if it is defined. This was not done with any malice aforethought in leaving them out, we consider them to be teachers. We just simply defined "a teacher" and if it is necessary, and if the Assembly believes it is necessary to define the "classroom assistant" and or "an adult educator" that is copacetic with me, that is fine.

MR. PEARSON: All right.

THE CHAIRMAN (Mr. Stewart): Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, the standing committee on legislation reviewed these questions and took very careful consideration of the points made and we ourselves were satisfied that the definitions here are adequate. We were of the opinion that should definitions be necessary for adult educators and classroom assistants, these could be made by regulation. Most of the points brought out today we have already considered. We can give the committee of the whole assurance that these things have been studied in a great deal of detail and maybe if these points come up they could be possibly referred to me and I can explain the position that we took on them.

I have another point that I would like to bring to the attention of Members and that is that the standing committee on legislation recommended that a number of changes be made throughout the ordinance. Most of these changes I am sure will be made or as far as the administration is concerned they should be made. I do not know whether this committee would like to have all these proposed changes in the form of a motion or whether they would like me to suggest them. If there is no disagreement from Mr. McCallum, maybe we could just presume that that is the way it is supposed to be presented. The reason we have run into this difficulty is because the committee was not able to complete its study of this bill until quite recently and these changes, most of which are of a fairly minor nature, which would have been incorporated into the draft presented to the committee of the whole have not been incorporated and I wonder if we could have some kind of direction, Mr. Chairman, from the membership as to the approach which should be taken.

THE CHAIRMAN (Mr. Stewart): I wonder if I may suggest, Mr. Nickerson, during the lunch break that you have a paper presented with the changes so that each Member would have them and we can look at something written. Would that be possible?

MR. NICKERSON: I think that question should be more properly addressed to the clerical staff. There are probably a hundred or so different proposed changes and it might be extremely difficult to have them made during that interval of time.

THE CHAIRMAN (Mr. Stewart): I did not know the size of the task. Mr. Butters.

MR. BUTTERS: In the interests of expediency and efficiency I think that since Mr. Nickerson, the chairman of the legislation committee has these things all written down and is aware of how they came into being, that we might ask him on each section for his initial and first comment so that he could introduce and speak to the section pointing out the changes and giving us a little background.

MR. PEARSON: Yes.

MR. BUTTERS: It might take a bit more time but I think it would probably save time if you would do that.

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Stewart): Thank you. In the interests of my stomach we stand adjourned until 2:30 o'clock p.m. There is a finance committee meeting in room 303. The Legislative Assembly stands adjourned until 2:30 o'clock p.m.

---LUNCHEON ADJOURNMENT

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls the meeting back to order. We were dealing with clause 2. Mr. Nickerson, have you any further comments?

Motion To Amend Paragraph 2(h) And Subclause 3(4).

MR. NICKERSON: In paragraph 2(h) it is a recommendation of the legislation committee that "Executive Member" should be amended to read "Minister". The only time this is used again in the ordinance is in subclause 3(4) and if we altered "Executive Member" to "Minister" here there would be a change in subclause 3(4) the same.

THE CHAIRMAN (Mr. Stewart): Has the administration any comments? Mr. Minister.

HON. ARNOLD McCALLUM: I am sorry, Mr. Chairman, I did not hear the comments of Mr. Nickerson. I just wanted to make sure we can still take Mr. Blewett in without formal agreement.

MR. NICKERSON: In that case I will repeat my comment and that is that in paragraph 2(h) "Executive Member" be amended to read "Minister". That is the first time it occurs so paragraph 2(h) would now read "Minister means the Member of the Executive Committee of the Government of the Northwest Territories who is assigned the responsibility for education matters..." and that as a consequential change the only time this term is used in the ordinance is in subclause 3(4) on page 6 which as a consequential change would therefore be amended to read "The Commissioner may then delegate to the Minister or the Director any of his powers or duties under this ordinance or regulations."

THE CHAIRMAN (Mr. Stewart): Mr. Minister.

HON. ARNOLD McCALLUM: That is fine, Mr. Chairman.

Amendment Carried

THE CHAIRMAN (Mr. Stewart): Does the committee agree to the suggested amendment?

---Agreed

MR. BUTTERS: Is a motion required? I would like to see it in the form of a motion.

MR. NICKERSON: I think we discussed this previously, Mr. Butters, in that the committee agreed to accept recommendations made by the standing committee and agreed to by the administration as being part of the draft here. The only reason why they are not part of the draft is because the clerical staff had not had time to put it together.

MR. BUTTERS: I understand.

THE CHAIRMAN (Mr. Stewart): Does that satisfy you?

MR. BUTTERS: Yes.

Motion To Alter Subparagraph 2(o)(ii).

MR. NICKERSON: Mr. Chairman, again in clause 2, this time clause 2, subparagraph 2(o)(ii) it is recommended that this be altered to read as follows "in respect of an education district that is not described in subparagraph (i)". I would like to point out here that as a result of the change we just made there would be a consequential change in that paragraph 2(h) and 2(i) would be changed and the (i) would become (h) and the (h) would become (i). So therefore in subparagraph 2(o)(ii) where it refers to subparagraph (i) this would now become paragraph (h). So the reading we propose now is "in respect of an education district that is not described in paragraph (h) a person who (a) has resided in the education district for at least six months and (b) who is a Canadian citizen and (c) has attained the age of 19 years." The purpose for this amendment is to bring the requirements for eligibility to vote in an election into -- to make these requirements the same as we have made them for other elections.

Motion Carried

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

MR. NICKERSON: I have now completed clause 2. I do not know if anybody else has anything. I have now completed my comments on clause 2.

THE CHAIRMAN (Mr. Stewart): Hon. David Searle.

HON. DAVID SEARLE: My comment is with respect to clause 3 so I will just wait.

THE CHAIRMAN (Mr. Stewart): Thank you. Anything further on clause 2? I understood that it may be the wish of the committee to set this aside and go through clause by clause and come back to this in case there may be some changes you want to make after we have completed the bill. Is this the correct assumption? Are we agreed to this?

---Agreed

I am setting aside clause 2 and we will return to that when we complete the bill. PART I, administration, the powers of the Commissioner, clause 3. Mr. Nickerson.

MR. NICKERSON: I think that the comment that the legislation committee wanted to make with respect to this is exactly the same as the Hon. David Searle has indicated and he wishes to speak on it so maybe he could make a comment.

HON. DAVID SEARLE: Mr. Chairman, my only comment when I see that clause 3, appreciating that we want to have the person who we have nominated and who has been accepted by the Executive as being the person responsible for education, i.e. the Minister of Education, the Hon. Arnold McCallum, we then produce an ordinance which says "The Commissioner shall administer this ordinance..." It seems to me we should be saying "The Minister shall administer this ordinance..." Should we? Should we not then follow it through and everywhere we see "Commissioner" essentially we should put in the word "Minister" and "The Minister shall appoint a Director, etc."?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, this matter of course was brought forward to the Executive as a result of the committee's meetings and I must say that the Executive had a great deal of sympathy for the view that was taken. However, it is also our responsibility to ensure, in so far as we can, that Council is advised as to what is constitutional and what is not constitutional. We solicited an opinion from the federal Department of Justice and unfortunately did not receive that opinion until noon yesterday. I think it would be just as well if I were to read the telex that I received. Before I do, I must say that the gist of it is that they do not believe that it is constitutional to use the term "Minister" in this case and they give their reasons. Maybe I had better read this and then I would like to just make a comment or two on it if I may.

Telex From Department Of Justice Re Responsibility Of Commissioner.

REFERENCE TO YOUR TELEX OF MAY 12 INFORMING US THAT A COUNCIL MOTION COULD BE PASSED TO AMEND THE EDUCATION ORDINANCE SO THAT THE APPROPRIATE EXECUTIVE COMMITTEE MEMBER WOULD BE GIVEN THE RESPONSIBILITY OF ADMINISTERING THE ORDINANCE. WE HAVE BEEN ADVISED BY THE JUSTICE DEPARTMENT THAT THIS CHANGE WOULD NOT BE CONSTITUTIONAL. SECTION 4 OF THE NORTHWEST TERRITORIES ACT PROVIDES THAT THE COMMISSIONER IS CHARGED WITH THE RESPONSIBILITY OF ADMINISTERING THE GOVERNMENT OF THE NORTHWEST TERRITORIES. HOWEVER, CONTRARY TO THE PRACTICE IN A PROVINCE WHERE THE LIEUTENANT GOVERNOR ADMINISTERS THE GOVERNMENT OF THE PROVINCE WITH THE ADVICE AND CONSENT OF THE EXECUTIVE COUNCIL, THE COMMISSIONER IS REQUIRED TO CARRY OUT THIS RESPONSIBILITY UNDER INSTRUCTIONS FROM TIME TO TIME GIVEN BY THE GOVERNOR IN COUNCIL OR THE MINISTER. SECTION 13(b) OF THE NORTHWEST TERRITORIES ACT GIVES THE COMMISSIONER IN COUNCIL THE POWER "TO MAKE LAWS RESPECTING THE APPOINTMENT" OF TERRITORIAL OFFICERS BUT THIS CAN NOT BE TAKEN AS MEANING THAT THE COMMISSIONER IN COUNCIL HAS THE POWER TO LEGISLATE IN SUCH A WAY AS TO INTERFERE WITH THE EXECUTIVE POWER OF THE COMMISSIONER TO ADMINISTER THE GOVERNMENT OF THE NORTHWEST TERRITORIES.

BECAUSE OF THE PROVISIONS OF SECTIONS 3 AND 4 OF THE ACT IT IS NOT IN THE POWER OF THE COMMISSIONER IN COUNCIL TO ENACT LEGISLATION WHICH WOULD GIVE TO A PERSON OTHER THAN THE COMMISSIONER POWERS THAT ARE EXECUTIVE IN NATURE. HOWEVER, THIS SITUATION DOES NOT PREVENT THE COMMISSIONER FROM DELEGATING SUCH RESPONSIBILITY, ALTHOUGH HE CAN NOT BE BOUND TO DO SO IN TERRITORIAL ORDINANCE. IT IS UP TO THE COMMISSIONER, AND IT IS HIS PREROGATIVE AS CHIEF EXECUTIVE OFFICER TO DECIDE WHETHER A PARTICULAR DEPARTMENT WILL BE ASSIGNED TO AN EXECUTIVE COMMITTEE MEMBER OR NOT, SUBJECT OF COURSE TO THE MINISTER'S CONCURRENCE. THE PROPOSED ADDITION OF THE QUALIFICATION "UNDER THE DIRECTION OF THE COMMISSIONER" WOULD NOT RENDER THE PROPOSAL ANY MORE CONSTITUTIONAL AS IT WOULD STILL BE AN ATTEMPT TO BIND THE COMMISSIONER TO DELEGATE RESPONSIBILITY TO AN EXECUTIVE COMMITTEE MEMBER AND THE COMMISSIONER IN COUNCIL HAS NO POWER TO DO THIS.

As I said previously, neither the Commissioner nor I would wish to debate this subject, and for this reason we sought what we felt to be the highest level of legal advice available to us. This of course would not change the attitude that the Executive has, that in fact these responsibilities will be, and are delegated to the person that you style as Minister of Education. However, I would caution you against actually amending the bill because I do not think that you would want to have a lot of good work set aside because of what might be ruled, in some instances, and perhaps in a court, as a technicality. I would be pleased to have copies of this wire made available to you, Mr. Chairman, if you would like to have it.

THE CHAIRMAN (Mr. Stewart): Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, I am always grateful for the advice of the Department of Justice as I know all federal departments are when they can get it. Quite frankly that advice does not surprise me. It is like all advice though, I suppose it is like a lot of advice I give from time to time, it is good so long as it is not challenged in a court, and ultimately the test of whether or not the advice is correct is what the courts would do with it. I might say the courts have not always agreed with the Attorney General of Canada, not even when I was prosecuting as his agent, advancing such arguments on behalf of the Government of Canada. That may come as a surprise but I think what I am saying is in the whole, in just hearing it for the first time, that it may not be for this Legislative Assembly to decide what Executive responsibility the Commissioner should delegate, but the fact is that he and the Minister have said before this legislation today was proposed that there shall be an Executive Member responsible for education and they have accepted our appointment of the Hon. Arnold McCallum. In other words that is done, and it may be that this legislation coming after that could not be set aside. If we had passed the legislation before that in effect attempting to require of the Commissioner that he delegate this responsibility to one of us, it seems to us it would be clearly in breach of the Executive powers of the Commissioner under the Northwest Territories Act.

A Matter Of Principle

Frankly, to my mind it is a matter of principle and I do not, or I am not against the courts reviewing it. We may be surprised and find that they hold that in view of the fact that this has already been done, as I have already said, that our legislation then only makes sense, or we may find to the contrary in which case we would bring in a bill and amend it. It is up to the Legislative Assembly what they do, or the other alternative would be to seek, if the Legislative Assembly feels strongly about this in principle, to seek independent advice from someone. I do not think that when it comes to a question of doing, or exercising all the powers we have under the act we necessarily want to be guided totally by the Department of Justice of the federal government who are first and foremost protecting the position of the federal government. So, those are the alternatives. I would be happy to hear what Members think about either banging on and letting somebody, and I do not know who would take us to court on it, I suppose the Minister might just disallow the legislation.

THE CHAIRMAN (Mr. Stewart): Mr. Butters.

MR. BUTTERS: The Hon. Member from Yellowknife South has raised a most pregnant question as it applies to the powers of this house. My understanding is that the Northwest Territories Act overrides territorial legislation and, as the Deputy Commissioner quoted, it is certainly clear in there that it is the Commissioner's responsibility, or in the Commissioner's absence the Deputy Commissioner's responsibility, to administer the Government of the Northwest Territories. This situation also points out the very real need that this body has for its own independent counsel, and this casts no reflection on our Legal Advisor sitting with us, but counsel who can give us advice in this whole constitutional area and indicate to us the options that are open. Maybe I am a little chicken on this but I would fear that in view of what the act says, if we worded it as the legislation committee has suggested, that it could be disallowed by the Minister and I am just wondering, if that were the case, whether the wording, if the wording went "The Minister shall administer this ordinance and be responsible to the Commissioner for the establishment and dissolution of education districts", etc., etc., etc. Perhaps it weakens the whole thing, I do not know, but it might then meet with the provisions of the Northwest Territories Act.

Now, while I am still speaking, and it would appear that the Deputy Commissioner has a line of communication with the Department of Justice office, I wonder if the Deputy Commissioner would acquire for me the Executive powers there were immediately before the first day of September, 1905, vested by any laws of Canada in the Lieutenant Governor of the Northwest Territories, or in the Lieutenant Governor of the Northwest Territories in Council.

THE CHAIRMAN (Mr. Stewart): Mr. Pearson, did you indicate you wished to speak?

Motion To Defer Education Ordinance

MR. PEARSON: Yes, Mr. Chairman. I would like to move a motion at this time, and I would like to move that the ordinance respecting education in the North be set aside until a time when Members of this Legislative Assembly have had an opportunity to study this bill and discuss it with their constituents.

THE CHAIRMAN (Mr. Stewart): I have a motion on the floor. To the motion. Mr. Steen.

MR. STEEN: Mr. Chairman, I had this in mind for quite some time even before I came to this session here, and it has been brought to my attention that the local boards in the communities as they stand have not had a chance to have some input or have not had a chance to take a look at this ordinance. Some of us are not too familiar with some of the problems which are arising already in the schools in the Northwest Territories. I feel that these local school boards with the consent of the teachers in the schools could give us some guidance of just what we should be looking at and it would help to speed up going through the Education Ordinance at a time when we could bring it up again. Perhaps we should give Wally Firth something to do in Ottawa. He does not seem to have too much to do and maybe we could bring up the question of the federal government writing a new Northwest Territories Act.

THE CHAIRMAN (Mr. Stewart): Thank you. To the motion? No one else wishes to speak to the motion? Mr. Pudluk.

MR. PUDLUK: I would fully like to support this motion and the reason why is that I can understand a bit of this one page but half of it I do not understand. Even if I can read it I do not understand it. I think we should wait until it has been translated for us, at least the three of us here, and I think I would support this motion.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Kilabuk.

MR. KILABUK: Mr. Chairman, I would also support the motion but I can not understand what is happening on the ordinance. Now, some of this is very short, and I think this could be easily translated into Inuktitut. I think it would be much better if this could be translated first because I do not understand at all what the translations are in the clauses I get because these clauses are so short. I think it would only be worthwhile if we went much slower so it could be translated in future.

THE CHAIRMAN (Mr. Stewart): Thank you very much, Mr. Kilabuk. To the motion. Hon. Peter Ernerk.

Translation Of The Ordinance

HON. PETER ERNERK: Mr. Chairman, if I could just speak to the motion, especially with respect to the translation of this ordinance. Firstly it is going to take a long time to translate, and looking at it myself personally I think there are a lot of legal words in here which would require a lot of work in terms of translating them into Inuktitut. Perhaps not all of it could be translated, section by section but the intent could be translated into Inuktitut.

THE CHAIRMAN (Mr. Stewart): Mr. Pudluk.

MR. PUDLUK: Mr. Chairman, I would just like to say on what people are saying, it would be much easier to understand, when it is translated even if the translator does have a difficult time understanding some of it themselves. If it is translated we would have a great better understanding. Thank you my brothers.

THE CHAIRMAN (Mr. Stewart): Thank you. To the motion. Mr. Butters.

MR. BUTTERS: Mr. Chairman, I support the motion of my colleague but I would not wish to see this discussion discontinued or set aside. I think that with the Hon. Member from Yellowknife North providing us with the recommendations of his committee, and providing us with explanations as we go through the text is a very great help to us all in understanding the whole meaning of the ordinance, I would suggest that if such deferment did occur that it would only occur after we had completed discussion and debate of the whole bill as it is presented here and of the amendment that Mr. Nickerson's committee would recommend to us to approve this bill.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Lyall.

MR. LYALL: Mr. Chairman, a question that I would like answered. If we do not go through it will the amendments that we recommended, does that mean if we do go back into the communities with it that we would be going into the communities without our amendments?

To Be Used As A Study Document

DEPUTY COMMISSIONER PARKER: Mr. Chairman, if I could just say a word here from a technical standpoint. If this committee were to take the action contemplated by the motion I would think that a new draft would be prepared on the basis of the work that the standing committee has done so that work would not be lost. I think it would be essential, not this draft, but the one with the numerous and relatively minor, and also of course some important changes, be used as the study document.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Deputy Commissioner. Mr. Nickerson, did you wish to speak?

MR. NICKERSON: I was going to speak but the Deputy Commissioner took the words out of my mouth and that would have been my proposal also. I really can not see too much point in prolonging the agony, so to speak. I think there is a lot of work to be done by this house and if we continue the discussion on the Education Ordinance at this time it will take us several days and I think that that time could be devoted with greater benefit to other matters.

I do not quite see the point of going through a big discussion on the ordinance now because presumably it is the wish of those people who support the motion that this discussion take place in the settlements. That, sir, is basically my opinion. If the motion succeeds, then I think that we should go on to the Liquor Ordinance and a number of other things of great interest to people in the Northwest Territories. I estimate that it costs probably in excess of \$100,000 to run an Assembly session and I would like the taxpayers to get some benefit out of it.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Pearson.

MR. PEARSON: I just wanted to point out to Mr. Butters that the motion says that the ordinance respecting education in the North be set aside until a time when Members of this Legislative Assembly have had an opportunity to study the bill and discuss it in their constituencies. I honestly see no point in attempting to discuss a bill that has been set aside if the motion wins simply because the native Members of the Assembly, the Eskimo Members, that is, do not have competent translations before them, so they would not be able to participate in the discussions so there is really no point.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. PEARSON: May we have the question?

THE CHAIRMAN (Mr. Stewart): The Minister has indicated he wishes to speak to the motion. Mr. Minister.

Local Control

HON. ARNOLD McCALLUM: Mr. Chairman, I do not think that setting it aside would present any difficulty to the administration. I think it may take a while to get the translations done and if we, as Mr. Pearson says, are to set it aside until such things have been done, perhaps one suggestion I could make to the Members is that in the rewritten draft that Members want sent out to communities or to themselves or to present education advisory committees or to whomever it is supposed to go out, will it be a draft that includes compulsory education or non-compulsory education? Will it be a draft that would answer maybe some of the other questions or will we wait until we get further input from either Members or other groups again and then have it drafted? I am concerned with the question that Mr. Lyall posed on the first day as to when they will get local control or more local control in his own constituency. This bill was to give that.

THE CHAIRMAN (Mr. Stewart): Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, as I had indicated previously, I had thought I did not receive enough time and in consideration of all these factors that are expressed and my own comments as to the time that had been given us. Looking at the rising problems on the other hand and looking at our own positions as legislators in this country, somewhere we are going to have to make a decision whether we will govern the country or not.

I think I should state that I take exception to some of the comments that I hear using the native people as an excuse to shun responsibility. I think that the time has come that those of us who are native must accept responsibility and make a decision either for good or bad. If we are mistaken, we can always change it. There is no harm in saying "I am mistaken." We are not that proud. In listening to the comments and the statements that I hear we must be certain -- how can anyone be so certain as to the types of communities we are living in which are changing very rapidly? I believe that there are a lot of people who are dependent on this ordinance. I believe that we have a lot of young people who are seeking higher learning, who are seeking monetary assistance so that they can lift themselves up. As long as we delay or attempt to delay any major legislation we are interfering and wasting the time of these people who are ready to step into the mainstream of society, to which they have a right.

I think we should quit horsing about and take into consideration all the time and effort that has been put into it by our legislation committee which are responsible to us. We have appointed them, and support whatever they have included in presenting this. I can not buy the argument of interpretations or linguistic differences when we have it broken down right here in front of us in our presence by Mr. Nickerson and the interpreters are here to translate it. I mean since last night I expected some kind of opposition to this document that I have not received but I received another letter which no doubt I will table on Tuesday which has nothing to do with the Education Ordinance. The person I have received the letter from today also is in agreement with the greater portion of this new ordinance as drafted, excepting for one part and it is so little that it is irrelevant.

I think that we will never arrive at a perfect document as long as the greater portion of that document is in agreement to most people. This is sufficient for a beginning and in that regard I will not support the motion introduced by Mr. Pearson.

THE CHAIRMAN (Mr. Stewart): Is there anybody who wishes to speak who has not spoken? Hon. David Searle.

Can The Ordinance Be Translated

HON. DAVID SEARLE: Mr. Chairman, I guess I have two questions that come to mind. I am not going to attempt to answer them but I would like to raise them and ask the Members to think about them.

Firstly, as I look at this ordinance which goes to 69 pages and 106 clauses I can not help but wonder if it is capable at all of being correctly and accurately translated. I wonder if the terminology used in here is just so legalistic that it is just for the most part not capable of being translated.

The second thing I wonder about is if we are concerned about the full and complete participation of all the Members around this table, if with spending a little time and a little trouble we do not really get the best translation possible because I think we probably have here and, if we do not have, we should have the best interpreters that this territory has sitting in that booth there. Hopefully you would learn more from hearing the simultaneous translations of the sections but more than that the questions and answers raised by each and every one of the 15 of us which you might not think of if you were sitting home all alone trying to read an abbreviated translation. My question I guess is this. Maybe you are in the best possible position here and now to get the best possible translation and understanding of the ordinance rather than delaying it and just go slow enough on a clause by clause basis to permit a complete and full understanding of it.

If, on the other hand, you oppose the ordinance, as I think Mr. Pearson does in principle, then let us have the courage to defeat it for that purpose and for that reason. Let us not defeat it on any other basis. Those are the comments I have.

THE CHAIRMAN (Mr. Stewart): Is there any other committee Member who has not spoken who wishes to speak at this time before I start taking people for the second time? Mr. Evaluarjuk.

MR. EVALUARJUK: Mr. Chairman, I envy the Members who are able to read and understand the English version of all the documents. However, I also envy the interpreters for translating all the English documents which I understand is very difficult. I wish to support the motion in that all the documents are written in English. I would like to see more of the documents, if not all, written in syllabics. It is very difficult I understand for the interpreters to translate all the documents into Eskimo in one day. These documents are very important to all the Members concerned and these documents could be used for many years to come. I think it is very important for all concerned to understand basically what the papers are all about. I think there has been a lot of misunderstanding between non-Inuit people and Inuit people and it is very true that there has been some misunderstanding in that a lot of papers were not translated in the past. Perhaps for example from one to 100 coming down this is an example I am using as to how much we have not understood some of the documents in the past. This is my comment.

THE CHAIRMAN (Mr. Stewart): Thank you. Is there anyone else who has a comment to voice? I think that looks after everyone and I will start the second round. The first on my list is Mr. Pearson.

Translation Too Condensed

MR. PEARSON: Mr. Chairman, I do not wish to prolong this discussion, but I think it should be pointed out to one Member who I think misses the whole purpose that the important bill that is before us now with 109 clauses in it has been translated very hurriedly into one and one half pages, less than a half, one and one quarter pages into the Eskimo language. That is hardly sufficient to enable the Eskimo Members of the Legislative Assembly to get a background into what this ordinance means.

I would also like to point out that the motion asks that it be set aside until a time when Members of this Legislative Assembly have had an opportunity to study the bill and to discuss it with their constituents. That has not happened at all, only on the odd occasion.

I think it is essential if this Legislature is to produce legislation of such grave importance that it be discussed, that this thing be perhaps produced in the form of a white paper if you like and that a working document be circulated throughout the Northwest Territories so that we, Legislative Assembly Members, can come here with the backing and understanding and knowledge that the constituents that we represent understand it, approve it or wish to make certain modifications to it. I do not think that is too much to ask, I think it is a perfectly reasonable request in light of what the Hon. Speaker pointed out. I do not like the bill, they are the reasons I do not like the bill, and I now call for the question, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): The question is being called. Are you ready for the question? Mr. Butters is next.

MR. BUTTERS: I forego my right to speak.

THE CHAIRMAN (Mr. Stewart): Mr. Nickerson.

MR. NICKERSON: I have some comments to make, initially that do not really respect the motion but I understand that once this has gone through should the motion be sustained we will not have the opportunity to speak again. So, first of all I wonder if we could have agreement from the Members that the telex containing the legal description, I am sorry the legal opinion from the Department of Justice be circulated to Members. Could we have agreement on that?

---Agreed

Draft To Be Prepared

Is it also agreed, Mr. Chairman, that myself and the Hon. Arnold McCallum, Minister of Education, have the authority of this house to sit down and prepare a clean draft containing the recommendations of the standing committee on legislation which are accepted by the administration? What I am trying to do now, and I know this will go ahead, but I want to make it absolutely certain that we have authority from this house to do this, just in case somebody should disagree when we come back and say "Oh, they have not got the same draft". So, I want the authority of this house to sit down with the Hon. Arnold McCallum and other Members of the Executive, with legal counsel should it be necessary, to prepare this clean draft containing the acceptable recommendations. Do I have permission on that, Mr. Chairman?

---Agreed

Independent Legal Opinion To Be Solicited

Now, a few more other comments more directly on the motion. Oh yes, there is another point I neglected to say before I say one or two comments on the motion proper. Is it agreed by Members of this house that an independent legal opinion concerning the matter brought to our attention by the Department of Justice be solicited? Is there agreement on that, Mr. Chairman?

---Agreed

THE CHAIRMAN (Mr. Stewart): I heard quite a few "agrees" from my left but how about this side of the table, are you agreed?

SOME HON. MEMBERS: Agreed.

MR. NICKERSON: Just one or two brief comments on the motion itself.

THE CHAIRMAN (Mr. Stewart): Now I have given you a great deal of leeway, I hope you understand, Mr. Nickerson.

Recognition Of The Work Involved In Drafting The Ordinance

MR. NICKERSON: First of all, it would be in order, and I am assuming the motion is going to be successful here, and I think it probably will, but first of all I think that the house should give its compliments to the great deal of hard work that has gone into putting this draft together. Especially by the Minister of Education and his staff and other members of the government who, to my knowledge, have spent not hours and hours but days and days trying to put this thing together, trying to do it in the best interests of everybody in the Northwest Territories and trying to do it, taking into account all of the input that has been put in by the people of the Northwest Territories. I think they have done a tremendous job and I think they are to be congratulated for it.

SOME HON. MEMBERS: Hear, hear!

---Applause

MR. NICKERSON: I think a compliment is also due to Mr. Pearson in waking up to his responsibilities, that if he is to do this he should do it at the present time rather than waiting until we have gone through the next 120 sections or so.

MR. PEARSON: Let us hear it for Pearson.

SOME HON. MEMBER: Applause.

MR. NICKERSON: I have a comment here also on a piece of legislation which was introduced to this house, the Teachers' Association Ordinance and I could presume that the administration would not wish to proceed with this. I would like to thank them again for the amount of work they have done on this, and I think that this house should note with regret that they

will have to put that aside. I know that the Members of this house probably would have liked to have seen that one go through. They have a number of concerns on this matter. They would have liked to have seen a greater degree of responsibility given to the teachers, and, to my mind, it is a shame that we will not be able to proceed with this now. Perhaps now the house will see why I moved the motion the other day respecting the Game Ordinance. I can foresee ...

THE CHAIRMAN (Mr. Stewart): Mr. Nickerson, with all due respect I have been more than lenient with you. I do not see how we will get into the Game Ordinance at this point. We are now discussing the matter of the motion, and I knew because the information was pertinent I have allowed you to ramble a bit but when you start getting into the Game Ordinance it must stop somewhere.

MR. NICKERSON: Perhaps if you would let me finish with a brief remark on the Game Ordinance.

THE CHAIRMAN (Mr. Stewart): No, I would not like you to finish your brief comments on the Game Ordinance.

MR. NICKERSON: Okay.

THE CHAIRMAN (Mr. Stewart): Thank you. Hon. Peter Ernerk, you indicated previously you wished to speak.

Concerning The Translation

HON. PETER ERNERK: Mr. Chairman, I just wanted to explain earlier and I think it was mostly explained by Mr. Pearson, but I want to speak very briefly from a translator's point of view, simply indicating the fact and to say that what is said verbally, and what is said in the book here would be a bit, the two would be different from one another. In other words, I can well understand the views of Mr. Evaluarjuk and Mr. Kilabuk when they indicated that they wanted to see the translation of the definitions, so they could get a better idea of what is said in here. As I said earlier, it will take quite a while to translate this piece of legislation into the best understandable language possible.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Lyall, to the motion, please.

MR. LYALL: Mr. Chairman, if this motion is to go through, for the benefit of the people in my constituency, I would like to see a copy of English, western Eskimo dialect and syllabics if this motion were to go through.

THE CHAIRMAN (Mr. Stewart): What trials and tribulations does this suggestion bring up? Mr. Deputy Commissioner.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I think Members should consider very, very carefully before placing before us the task of clause by clause translation. Now, having said that I think that there is a happy medium that could be reached which would see perhaps a clause by clause summary translated. Now, a page and a half summary such as has been produced is clearly inadequate for the purpose intended, but by the same token the bill does not lend itself to clause by clause translation. I would think that the best thing that we could do, and I mean "best" not from the standpoint of time or cost or anything like that, but from the standpoint of understanding the document, would be for us to prepare in English, very carefully a summary of the intentions and content of each section here.

I am not necessarily referring to the clauses and parts as they are now laid out, but rather a review of it to show what parts hang together and then, once that is prepared in English, because that could be very useful to people as well, have that translated. It would be more of a description than of the ordinance. This would not be done with any idea of not revealing the full content of it but rather with the view to making the full content of it known, respecting the difficulties that the languages themselves present.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Butters.

The Nunavut Proposal

MR. BUTTERS: I think the Deputy Commissioner has made an excellent point. Probably one of the most important documents, and I would imagine it is a document even more important to Eskimo people than is this Education Ordinance, is the Nunavut proposal. If I recall the Nunavut proposal was produced in English only, and they did produce a sophisticated document in legal terms but the document that was circulated for community perusal was in simplified English. I do not believe there was a translation in Inuktitut. But they did use that idea of putting the proposal, the intent in simple words and I think that that would cover what the Deputy Commissioner was referring to.

THE CHAIRMAN (Mr. Stewart): Mr. Pearson.

MR. PEARSON: This is the third time around.

THE CHAIRMAN (Mr. Stewart): Yes, your third time, Mr. Pearson.

MR. PEARSON: I think Mr. Butters is not correct in his assumption, as it was translated quite well into Inuktitut. I think we have some very interesting discussions going on but I do not think they have much to do with the motion and I think that if the question were decided then we could perhaps discuss these rather very interesting points. However, before asking for the question again, Mr. Chairman, I would like to say one thing. I think this Legislative Assembly owes a debt of thanks, since we are throwing thanks around today to undoubtedly the hardest working Member of this Legislative Assembly, Mr. Nickerson.

---Applause

Now could we have the question, Mr. Chairman?

Motion To Defer Education Ordinance, Carried

THE CHAIRMAN (Mr. Stewart): The question being called. I will read the motion. I move that the ordinance concerning education be set aside until such time as the Members of this Legislative Assembly have an opportunity to study the bill and discuss it with their constituents. That is your motion. All those in favour? Six. Opposed? Three. The motion is carried. May I report this to the Speaker?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, could I just say that the administration would accept this in a lot better grace if we had some assurance that the Members will not repeat once again all of the preambles that were given in the last while.

MR. PEARSON: A point of order. If there are Members of the Legislative Assembly who are Eskimo speaking people who are capable of speaking and reading English and they are expected to sit and make decisions with this Legislative Assembly on important matters of legislation that are not prepared for them, thoroughly, in their own language I do not see how they can competently function as Members of this Legislature. I do not think that is being unreasonable. I think that is a perfectly legitimate request and I just wondered -- the Education Ordinance was an example of a synopsis or of a capsulated version of a very important piece of legislation. Can we honestly expect Eskimo speaking Members of the Legislative Assembly to be able to function with skimpy information? I just throw that at you as food for thought.

THE CHAIRMAN (Mr. Stewart): Do I have this committee's approval to report back to the Speaker?

---Agreed

MR. SPEAKER: The Assembly will come to order. Mr. Stewart.

Report of the Committee of the Whole of Bill 7-59, Education Ordinance

MR. STEWART: Mr. Speaker, during your committee's study of Bill 7-59, the following motion was carried. "I move that the ordinance respecting education in the North be set aside until such time as Members of this Legislative Assembly have had an opportunity to study the bill and discuss it with their constituents" and this motion was carried.

MR. SPEAKER: Members of the Legislature, I think it would be appropriate at this time in view of the fact that we have just been discussing the Education Ordinance to recognize Mrs. Ethel Macpherson who I notice is in the gallery and I might on your behalf, convey to her, I am sure all of your very best wishes for a quick recovery to Norm, her husband who is in the hospital in Frobisher Bay and I hope that very soon he will have fully recovered.

I am advised by the Clerk that coffee is ready. Would Members like to break for coffee?

MR. LYALL: On a point of order, Mr. Speaker. Seeing that we have to have that piece of legislation translated I would like to see this house seeking assistance from the Inuit Tapirisat of Canada to have this ordinance translated. I think that they have stated before that if we need any translation done that they would give us a hand.

MR. SPEAKER: Are we ready to break for coffee?

---Agreed

The Legislature will recess for 15 minutes for coffee.

---SHORT RECESS

MR. SPEAKER: This Legislature will come to order. There being a quorum, turning to the orders of the day, Item 11, continuing consideration in committee of the whole of bills.

There is no one here from the Executive apparently at the chair. I am told, however, that Bill 9-59, Liquor Ordinance is the next bill to be considered. Council will resolve into committee of the whole to consider Bill 9-59, Liquor Ordinance, with Mr. Butters in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 9-59, Liquor Ordinance with Mr. Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 9-59, LIQUOR ORDINANCE

THE CHAIRMAN (Mr. Butters): The committee will come to order to study Bill 9-59, A Ordinance to Amend the Liquor Ordinance. The purpose of this bill is to amend the Liquor Ordinance (a) to ensure that local liquor restriction plebiscites and regulations are valid and enforceable; (b) to provide for local option prohibition in addition to restriction; and (c) to provide for compulsory jail terms for bootleggers for second and subsequent convictions.

HON. ARNOLD McCALLUM: Mr. Chairman, just as a point of information if the Assembly does feel that we require witnesses, the administration has people available to the Members.

THE CHAIRMAN (Mr. Butters): Does this house agree that expert witnesses provided by the administration may join us?

---Agreed

HON. ARNOLD McCALLUM: Mr. Chairman, we had better qualify that a little bit. I do not know what is apropos in light of this ordinance but Assistant Commissioner Mullins and Mr. Robinson are here.

THE CHAIRMAN (Mr. Butters): Assistant Commissioner Mullins and Mr. Robinson, will you advance and join us at the witness table?

Before proceeding with general comments, may I have some suggestion from Members whose first language is Inuktitut to advise whether or not the syllabic material provided in the legislation books is sufficient in detail to explain the five or six provisions or amendments that we will be considering? The Hon. Member from Baffin North.

MR. KILABUK: Mr. Chairman, the syllabics seems to be too condensed compared to the English that I have seen written. If the English part could be read thoroughly, if it will not be too long, I think Mr. Evaluarjuk and I understand it and it would be okay if everything were explained to us because the syllabic part is very summarized. I am not quite sure what it is all about. It would be better if everything is explained. I would like to know what Mr. Evaluajuk has to say about this. Thank you.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Kilabuk. The Hon. Member from Foxe Basin, Mr. Evaluarjuk.

HON. PETER ERNERK: I am sorry, Mr. Chairman.

MR. EVALUARJUK: Mr. Chairman, if everything that is written in English is read and explained, it does not seem to be too long, so we will be able to understand it better if all the English is read and then translated.

THE CHAIRMAN (Mr. Butters): Thank you very much. When the committee moves to clause by clause examination of the bill, I will do as the Hon. Members have suggested, read the English text before discussion ensues. Are there any general questions or comments or any comments or questions of a general nature regarding the Liquor Ordinance or the amendments that have been suggested? Mr. Nickerson.

Comments Of Legislation Committee

MR. NICKERSON: This bill was studied by the standing committee on legislation. We recommend that it be proceeded with with one or two minor amendments of a technical nature. We note that there are certain items in this bill such as, for instance, the residency requirement for voters and the number of votes which will be necessary to decide a plebiscite one way or the other. These are matters which undoubtedly will be discussed in great detail in committee of the whole so while we were generally of the opinion that the amounts and figures specified here are quite reasonable, we did not go into this in a great deal of detail.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Are there any comments of a general nature dealing with the Liquor Ordinance? I believe there has also been tabled the Report of the Northwest Territories Liquor Commission and I would imagine that this is the time to raise any questions relative to this document as well. If there are no specific general questions, may I then proceed through clause by clause examination of the bill? The Hon. Member for the Western Arctic, Mr. Steen.

MR. STEEN: Mr. Chairman, while I do not like to stress too many restrictions on people in the Northwest Territories, I can see some areas that I think should be controlled a little bit where liquor is freely available to communities. I can not see people travelling with three cases of liquor and bringing them into the communities, especially if it is one person. I think that with these guys travelling with this much liquor in the communities they have one thing in mind but for local people we can not, as far as total prohibition in the Northwest Territories, I do not think we should try to tackle that one. I still think that the community should have -- in the Northwest Territories be given local option because if we consider total prohibition, then they will resort to something else, mainly homebrew which is a lot easier and cheaper at times to make. This is the comment I had to make.

THE CHAIRMAN (Mr. Butters): Are there any other comments of a general nature or any general questions? The Hon. Member from Mackenzie Liard, Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I have before me a document delivered to me, addressed to the Clerk of the House and for the attention of the Legislative Assembly as a whole. I had intended to table this document earlier but then I did not foresee this present legislation coming up until perhaps Tuesday. I think that these two bills are major bills that affect us most greatly in the North.

Native People And Liquor

Just a few minutes ago we had arguments as to the time allowable, the native peoples and so on that you have heard and here is a piece of legislation before you that is killing the native people, about 90 per cent of our native population in the Northwest Territories are drinking at one time or another and abusing drugs. I have been continually pressed by my constituents in the last year to bring this urgent matter to the attention of the Legislative Assembly and to the public and I have withheld in support of the Legislative Assembly in general. I feel that up to now in my effort to give the people the best, fairest possible treatment and in these attempts I am finding certain frustrations. In this document before me there is mention of deaths and I know these people personally. I know in the last couple of years there were several deaths in my community of Fort Simpson due to the use and abuse of drugs and that is including alcohol. Yet here we all -- all these people were Indian people and yet here we are prepared with a very major item because it is written very briefly to just brush through it by simple interpretation where in other matters, in education, which is ongoing, we were willing to sacrifice the future of our children. What is really important? What I am getting at is the point what is important? Are we so concerned about people who abuse their privileges over which we have no control because it is personal choice and where we have control into the future by moulding people and neglect that?

Since I am not trying to delay the reading of this bill but rather to pass on to you this piece of information I have before me, perhaps if you will allow me, Mr. Chairman, I will read this document and have it circulated to you on Tuesday. May I have your permission, Mr. Chairman?

THE CHAIRMAN (Mr. Butters): How long is it? Yes, go ahead, sir.

Letter From Father Posset

MR. LAFFERTY: The letter from Father Posset in Fort Simpson reads as follows:

"For the past few weeks, many concerned citizens of Fort Simpson, both native and white, alcoholic and sober persons, have mentioned to me that they wished all liquor outlets be closed down temporarily, so that the community could see the difference between drinking and non-drinking situations, and so that the poor victims of alcohol abuse be given a chance to think soberly. I personally share this view and wish that the territorial Assembly give to the Commissioner the authority to close temporarily all liquor outlets in a community, according to his own judgment.

"But how and when could the Commissioner decide on an opportune time to take such a measure in a community? If liquor outlets closure is imposed arbitrarily, some people will resent and easily criticize the measure. Moreover, if a notice is given prior to such a closure, many people will stockpile alcohol in their home for their own consumption or for boot-legging purpose. And this will not help at all.

"I am convinced that the most opportune time to suddenly close all liquor outlets in a community, anywhere in the Northwest Territories, would be whenever a death has been caused by alcohol abuse, in the region served by a liquor store. This measure, I believe, would be accepted by the vendors and the consumers as a deserved measure which would be thought provoking.

"Therefore may I suggest that the Commissioner be advised by the chief of a band as soon as a death has been caused by alcohol abuse, anywhere in the Northwest Territories. The chief, rather than a civil servant, would abjectly report the circumstances to the Commissioner, and would base his judgment mainly on the judgment of witnesses or on the public opinion, and not only on the Royal Canadian Mounted Police verdict or medical result of autopsy, which are bounded by professional secret. All liquor outlets would then be closed temporarily, immediately and automatically in that community, upon the order of the Commissioner, as a sign of disapproval and mourning, and as a measure of community penance. Then the decision of the Commissioner would be timely, and will provoke people to think the situation over. And 'thinking' is what really matters. The alcohol problem is in the minds, not in the bottles.

"We have reached a point where the situation is not Christian anymore, not even human: we are getting used to see human lives spoiled and destroyed by alcohol abuse; people have lost their ability to think and to learn from the consequences of their habit and acts.

"I have buried so many victims of alcohol abuse over the past few years in Fort Simpson, that I feel I will not have the courage to bury another one. If no drastic action is taken in the near future, I shall invite someone else, preferably a territorial Councillor, to preside over the burial of the next victim. You will then understand how I feel and what I mean. There is no use to talk and preach. What is now needed is drastic measure. And I trust, Mr. Lafferty, that you will dare take such measure, together with your colleagues, as to control the sad situation of our poor people, before it becomes hopeless."

And there was a copy sent to Mr. Don Bruce.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Lafferty. I recognize the Hon. Member for Baffin South, Mr. Pearson.

MR. PEARSON: Oh, Mr. Chairman, I am very touched by the letter that Mr. Lafferty has read into the record and how often have we heard the same story from other communities? I think the idea, if I heard it correctly, that in the event of a death within a community, the liquor store of all liquor outlets be closed immediately once it is proven that death occurred from alcohol and that they remain closed for a certain length of time is a very good idea. It would have meant in Frobisher Bay that we would have closed the liquor store 59 times and I have no idea how many other sad tales there are across the North. However, it certainly bears looking at and I think when it is tabled on Tuesday that you yourself might want to develop a motion along those lines and put it to the floor and we can see if Assembly Members will act upon it. I think, as their consciences dictate I think they will, or at least I certainly would anyway, I support such an idea.

In looking at the legislation before us it is pretty clear that the whole purpose of this is to give to the communities greater freedom to restrict the sale of alcohol, or in fact do whatever they wish, to even prohibit if they wish within their communities.

Simple Majority On Plebiscite

However, there is one aspect of it and I am talking in general terms, Mr. Chairman, and that is the matter of I think it is section 4, or I suppose it is section 109. I do not know where it is, but anyway it says: "...the board shall not recommend the opening of any liquor store or grant any licence in any settlement or area without first, by means of a plebiscite, obtaining the approval of at least 60 per cent of the votes cast by the qualified voters." I think that is wrong, I do not approve of that principle, I do not approve of a Member of this Assembly being elected by at least 60 per cent of the voters in his community and I am sure the Canadian public does not feel that the Prime Minister should be elected upon the same principle. So, I fail to see why 60 per cent of the community should answer a simple question as to whether or not the liquor stores should remain open. Surely it should be a simple majority of one vote; in other words, 51 per cent, or a majority of one vote and I do not even know that 51 per cent is enough or if it covers it entirely, but I would say that a simple majority is all that is required, the same as within a federal election or a territorial election or a municipal election. Why the hell should the liquor plebiscites be based on any other factors other than that, a simple majority? So I think we should examine that a little more closely and I would in fact move -- I do not wish to make a motion at this time but I plan to move a motion that it would be a simple majority, Mr. Chairman, on that matter.

THE CHAIRMAN (Mr. Butters): I have been very lenient with you as I thought you were speaking generally. However...

MR. PEARSON: It is very difficult if you can appreciate -- we all know what liquor is, we all know what it does and I think that at the last session Mr. Steen's motion that a bootlegger, the mandatory jail sentence for the first offence was his motion and I gather -- I seem to recall that it did not pass, but it is a mandatory jail sentence for a second offence so that it does tighten it up a bit there and I think the amendments to the ordinance as presented to us by the administration are fairly clear.

Petition To The Commissioner Suggested

One of the questions that has come about, due to an action taken by the people of Frobisher Bay and I should urge Mr. Lafferty to consider a similar procedure in his community, if the Father who wrote that letter feels adamant enough, I would suggest to him that he circulate a petition within the community as that is really the only way that it can be done, that the Commissioner close the liquor store on a temporary basis. I would like to compliment the administration for its forthrightness and its courage in acting upon the wishes of people in Frobisher and shutting it down as they did. They closed the liquor store and the results have been utterly amazing.

For the first time in many years we now see a sober community, to a large degree, people suddenly are becoming aware that there is a tremendous problem. Native people really do not know how to go about getting help for themselves, the inavailability of help within these small communities, and the only place where real help can come from is if

the sources are cut off, so there is no booze available. That is the principle of the Alcoholics Anonymous working on a one to one basis, they just do not drink any more and by setting it down in Frobisher it has helped so many people, certainly refocused themselves, it has enabled them to look at themselves, to get a breather, if you like. Many of the heavy drinkers who were always drunk now one sees sober which is not causing trouble, there have been no cases before the court in the last three weeks for drunkenness and prior to that there were at least 18 or 25 cases per week of every known description of drinking offence.

So, it has been a real revelation to the drinkers themselves, it is kind of nice to be sober once in a while. Let us face it, in the North today there is such a tremendous amount of money floating around, people seem to have money, at least they do in Frobisher, an incredible amount of money is spent in the liquor store and one wonders where the hell all of it comes from. So, it has been a great thing for our community and, admittedly there are some people who are unhappy, there are some people who have complained bitterly that they have to buy beer at the hotel for \$1.10 per can whereas at the liquor store it was about 50 cents a can or something like that. Of course that is a highly subsidized price as it is because that beer is flown in and we all know what happened to the motion that was made by myself at the last session that the equalization on liquor prices across the Northwest Territories be removed and this Assembly defeated that motion.

Motion That Equalization Prices On Liquor In N.W.T. Be Removed

I would like to move that motion again and, Mr. Chairman, I wish to move that the equalization prices on alcoholic beverages across the Northwest Territories be removed.

THE CHAIRMAN (Mr. Butters): I wonder, Mr. Pearson, whether you might consider entering that as a formal motion, or at least at the end of this current debate during committee of the whole? It is not that I do not wish to accept your motion at this time but I wonder if you could leave it to the end of our discussion or, alternatively, introduce it as a formal motion before the Speaker?

MR. PEARSON: Well...

THE CHAIRMAN (Mr. Butters): I will accept it if you wish.

MR. PEARSON: Are you afraid of it, Mr. Chairman?

THE CHAIRMAN (Mr. Butters): No, I am not afraid of it.

MR. PEARSON: Well, I have made the motion.

THE CHAIRMAN (Mr. Butters): Could you provide me with a copy of it please? The Hon. Member from Yellowknife North.

MR. NICKERSON: I believe, Mr. Chairman, that this motion is possibly out of order in that it is not in context with the bill that we are supposed to be discussing at the present time and I wonder if you could consider that, Mr. Chairman, and make a ruling on that?

THE CHAIRMAN (Mr. Butters): Could I have the wording of it?

MR. PEARSON: The wording of my motion?

Motion Withdrawn

THE CHAIRMAN (Mr. Butters): Yes, from what I could read there I would agree that the motion is out of context in the discussion before us and that it would probably be more fitting if you could introduce it with notice as a formal motion and give all Members the opportunity to examine it in some detail, with 24 hours notice for consideration?

MR. PEARSON: Mr. Chairman, I really do not want to get into a hassle with the Chair. I am really a very pleasant fellow and I will agree to withhold the motion until, as you put it, a more appropriate time. I personally can not think of a more appropriate time than now. However, as we say in the business "Win a few, lose a few" and I will withhold it and give Members a chance to chew on it. I would have no objection if any other Member wished to move a motion that brought about the same result.

To continue with my comments, in spite of the snickering around the table, the great problem that a community such as Frobisher faces is in having the liquor store which provides or supplies the entire region of the Baffin Island area, the Eastern Arctic. It is unfortunate that the community has to bear the brunt of the criticism and the unhappiness that is involved with the wholesale abuse of liquor that is going on within the region and that Frobisher Bay is blamed to a large part by other communities for their own ills. If the liquor store was not in Frobisher Bay, we would not have this problem. It is a burden, a real burden on that community, the fact that the liquor store is there. I have considered for some time alternatives. I have considered and we have considered here prohibition. I have been concerned with the use and abuse of alcohol in the Northwest Territories from the day I saw my first drunk in Frobisher Bay in 1957. I have felt that it may be possible to provide not an alternative but a more simple solution to communities such as Cape Dorset and Pond Inlet where excessive drinking takes place from time to time, where mail orders are received by aircraft from the liquor store at Frobisher, where a wholesale binge takes place for a couple of days or whatever.

Small Retail Saloons

We have had approximately nine deaths in Cape Dorset from drinking methyl hydrate. We have a young person in hospital in Frobisher currently who is blind from drinking methyl hydrate, a very sad tale indeed. I wonder if an alternative solution might be provision of small retail saloons,

if you like, established by the territorial Liquor Commission in communities that may want them whereby a local resident may enter and buy a glass of beer only served by an employee of the municipality or of the government, it does not matter which, so that there is no profit motive behind it, so that there is no seamy side of the wholesale -- the bars, the drinking, the music, the jazz, the dark lights and this kind of thing so it is just a straight sterile atmosphere.

HON. DAVID SEARLE: You could use the hospital.

MR. PEARSON: That would at least save the taxi fare for many people who drink. For the orderly and sterile, if you like, dispensing of an alcoholic beverage to people in the community without there being any profit motive involved, large windows so that people can look out and people can look in. There is no hiding behind dark, sleazy corners, run by the communities, strictly controlled so that there is not too much misbehaviour, a rationing system, if you like, that can be enforced if there were any problems and the people would simply lose their licence and that there not be any mail order of liquor from the liquor store in the large centres. Cut out the mail order, cut out the excessive abuse, provide people with a glass of beer, because that is all it is, the camaraderie sitting in a room having a couple of beers and cut out the bloody methyl hydrate and all the rest of it. That is an idea. I throw it at you. Thank you.

THE CHAIRMAN (Mr. Butters): Thank you very much, sir. Any other general comments on this bill, the amendments? If there are no further general comments, may we move to a clause by clause examination?

---Agreed

Clause 1 is defining who may vote at local option plebiscites and in keeping with the request of Members I read "subsection 2(1) of the Liquor Ordinance RONWT 1974, chapter L-7, is amended by adding thereto: immediately after paragraph (20) thereof, the following paragraph: '(20.1) 'qualified voter' means a person who (i) is a Canadian citizen, (ii) has attained the age of 19 years, and (iii) has been ordinarily resident in the settlement or area in which a plebiscite is to be held for a period of not less than six months immediately preceding the date set for voting'." Any comments on clause 1? The Hon. Member for Great Slave North, Mr. Wah-Shee.

Period Of Residency Before A Plebiscite

MR. WAH-SHEE: Mr. Chairman, under subparagraph (iii) of "has been ordinarily resident in the settlement or area in which a plebiscite is to be held for a period of not less than six months..." What I disagree with is this six months immediately preceding the date set for voting because what happens is most of these people who are essentially transients, residents who move into the communities are usually the ones who want to bring in the liquor outlet so I feel that it should be longer than six months. I do not feel that is doing justice to the permanent residents of that community.

THE CHAIRMAN (Mr. Butters): Thank you, sir. The Hon. Member from the Central Arctic, Mr. Lyall.

MR. LYALL: Mr. Chairman, during our committee meetings I have also stated that six months, I did not agree with that also, because of the fact that Mr. Wah-Shee has just given. I believe that we should have it to people at least over two years have been in the settlement because most of the fact is anyone who has stayed for two years generally goes up to five years. Most of the contracts of the government people are for two years and I think as Mr. Wah-Shee stated that they are the ones who are only there for two years who generally initiate bringing in liquor into the community.

THE CHAIRMAN (Mr. Butters): Thank you. Mr. Lafferty, the Hon. Member for Mackenzie Liard.

MR. LAFFERTY: Mr. Chairman, I feel similar to Mr. Wah-Shee and Mr. Lyall on the residency of six months. Perhaps we do not have to go to an extreme and I would say that it is too short a time. I could envision a year residency for the reason that a lot of people in the North are transient people who are up here on seasonal employment and generally they are here for less than a year. By increasing that six months to a year will eliminate a great number of people.

THE CHAIRMAN (Mr. Butters): Are there any further comments or questions on clause 1? The Hon. Member for the Keewatin, Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Chairman, I would just like to mention that during my opening address to the Legislative Assembly last Monday I mentioned something to the effect that 51 per cent or a simple majority when it comes to voting would be more acceptable to me and to the people within my own department. I also made a reference to Mr. Wah-Shee's residency at that time simply because I also said during my opening speech that the communities often defeat it because of the people who come to town on a short-term basis and so forth.

Position Of Alcohol And Drug Co-ordinating Council

First of all, I would like to let you know that a simple majority philosophy would be very, very acceptable to the people within the Alcohol and Drug Co-ordinating Council and that it has been discussed a number of times now also with respect to the residency. Just at this time I think the comments made by the Hon. Member for South Baffin are well taken and I would like to give credit at this time to the Alcohol and Drug Co-ordinating Council just on this particular matter. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Butters): Thank you. I have been asked if there was a motion on the floor. There is no motion on the floor. We are still discussing generally clause 1 of the amended bill. The Hon. Member for the Western Arctic, Mr. Steen.

MR. STEEN: Mr. Chairman, just to elaborate a tiny bit on the 51 per cent. I am in agreement with the 51 per cent because it would encourage the non-drinkers to get out and vote. That is the thing I think that is going to be very effective and also I accept or agree with the suggestion of Mr. Wah-Shee, that we should have a motion to perhaps change this from six months to two years residence immediately preceding the date set for voting.

Motion To Amend Clause 1 Of Bill 9-59.

THE CHAIRMAN (Mr. Butters): I would accept a motion from you, which would delete in the second to last line of clause 1 the two words "six months" and substitute the words "two years." Section 1 (iii) would then read "has been ordinarily resident in the settlement or area in which a plebiscite is to be held for a period of not less than two years immediately preceding the date set for voting."

MR. PEARSON: Agreed. Two years.

THE CHAIRMAN (Mr. Butters): Speaking to the motion, the Hon. Member from Yellowknife South, Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, I believe the legislation with respect to voting in a municipal election sets out a six month residency requirement. To vote for a Member of the territorial Legislative Assembly I believe is a year.

Residency For Other Municipal Purposes

It seems to me wrong in principle to require a two year residency to vote in a local liquor plebiscite, and as it is of a municipal nature I would suggest that it should be the same as the residency required to vote in a municipal election that is six months, and that is how I understand they arrived at that sum. In other words, it is consistent with the same residency period for other municipal purposes. I do not see how you can have people, first class citizens for one purpose and second class citizens for other purposes. It also makes it difficult for enumeration or for any other purposes when you have different terms. So, if you are going to put this up to two years you had better put the two years on being able to vote in a municipality, or down, and if you do that then I think you are going to have a question about -- a constitutional question, of whether or not there should be such a radical departure from what is done in other places.

THE CHAIRMAN (Mr. Butters): Thank you, sir. I recognize the Hon. Member from Great Slave North, Mr. Wah-Shee.

MR. WAH-SHEE: I think I can understand the technical problem but I think clearly on the basis of allowing the people in the communities to maintain some sort of control I think you have got to look at alternatives. I plan to bring up a motion with regard to a ten year residency so that will deal with the areas you have outlined, Hon. Member from Yellowknife South, but I believe that as far as the liquor plebiscite is concerned it is causing a great number of problems in the communities and I would hate to see the transient population moving into the communities and deciding whether you should have a liquor outlet or not because the social problems that go along with the plebiscite exist and I think we must have a little bit of imagination, I do not think we should be so stale in our thinking.

THE CHAIRMAN (Mr. Butters): Thank you, sir. The Hon. Member from the Western Arctic, Mr. Steen.

MR. STEEN: Mr. Chairman, when you compare the eligibility of where you should vote, or on what, what I am trying to say here is that liquor causes problems, territorial Members, do we cause problems? Maybe we do, or municipal councils. Now, some of these people who vote do not have good intentions in mind and they tend to want the liquor, and we are recognizing that we are having problems with liquor. So, what we are trying to do here is grasp the problem or take care of the problem. This is the reason why the motion was -- why I made the motion.

THE CHAIRMAN (Mr. Butters): I recognize the Hon. Member from Yellowknife South, David Searle.

HON. DAVID SEARLE: Well, Mr. Chairman, I want to say that certainly in the Mackenzie Valley there are approximately 40 per cent of the people, no, I would say in the Mackenzie, 50 per cent of the people, or 40 per cent of the whole territory who would be non-native, certainly 50 or 55 per cent of the Mackenzie would be non-native, whites like myself who may not have been here 30 years like myself but I do not think they should be made second class citizens. I would think that we are stretching the meaning of itinerant or what was the word -- transient, to suggest that someone who has been in a community up to ten years before he can vote is still transient. Indeed, what you are doing if you consider that sort of thing ever is knowingly and willingly disenfranchising a large number of Canadians, a large number of Canadians who do, because of their work from time to time move around, and if that were followed in every area, in every province, they would never it seems be able to vote at any time anywhere.

Disenfranchising People With Long Residency Requirement

Now, let me give you an example, take bank managers. It seems they are automatically transferred every two years and does that mean that everywhere they go they do not vote, and hence they never vote anywhere? That is one example. The people in mining tend to move around a certain amount, certainly as between the Yukon and Northwest Territories, and wherever there is a higher wage paid they go. They probably do not stay at any one mine more than

a couple of years, so you have to think very seriously when you consider this sort of thing about disenfranchising those sorts of people, and disenfranchising -- take my own constituency of Yellowknife South. That is the largest constituency in terms of numbers of people in the Northwest Territories but, a two year residency rule even for territorial election would make it the smallest constituency in terms of eligible voters. You would have disenfranchised 95 per cent of everyone in my riding. If you made it ten years you would disenfranchise 99 per cent of everyone in my riding.

Now, that may be a funny and humorous thing to do, it may give you a big kick, but I have no doubt in my mind that if you are seriously considering that sort of thing that the bill will not be assented to, and if assented to it will be disallowed because it is anti and un-Canadian, because I say to you I am totally and completely committed to the philosophy that whether you are from southern Canada, or whether you were born here, so long as you are here and have been here for a reasonable length of time, and I suggest that a year to vote in a territorial election is reasonable, then you should be entitled to freely and equally participate. By upping these residency requirements you are making it impossible for a large number of people to freely and equally participate. Surely the test is this, what is a reasonable period of time for a person to be resident in a community to know, to be knowledgeable about the issues? In this case the issues of liquor. I do not think you have to be in Frobisher Bay too long before you know the problems of liquor, you do not have to be in Yellowknife too long before you know the problems of liquor, to be able to intelligently participate and vote intelligently. That is really the purpose of a residency period, the purpose of a residency period, if excessive then it becomes solely to cut out classes of people. That is the only thing I have to say, make sure that your purpose is pure.

THE CHAIRMAN (Mr. Butters): Thank you very much, Hon. David Searle. I have to speak -- the Hon. Member from Baffin South, Mr. Pearson.

Compromise Of One Year Residency

MR. PEARSON: Well, I certainly followed with interest the Hon. David Searle's comments and wisdom, as always, poetically put. I wonder when we use the term in this six months, and people can then expound that six months is all that is required for residency to vote in a municipal election, I wonder if that in itself is sufficient for municipal elections, that one should have the right. There are so many of these northern communities, and there are going to be many more as time goes on where transients will perhaps remain in those communities six months or just a little more. Construction companies, pipeline workers, who may suddenly invade a small community, you know, 1000 men could invade a small community like Wrigley or Chesterfield Inlet or anywhere like there, Rankin Inlet and cause a change in matters of great importance to the people in that community. Something tells me that a year, I always liked Mr. Wah-Shee's original suggestion of ten years because I feel pretty smug having been around for 20 years and then I thought maybe five years would be a reasonable length of time and in terms of the people that this legislation really affects, five years is a drop in the bucket in terms of their commitment to their communities and for the real residents of Yellowknife two years is not too long, and I am speaking about the southern or non-native residents of Yellowknife. However, I suppose in order to satisfy everybody we have to compromise and compromise and we are getting awfully -- you know, you can water it down. I would think that a year would be a reasonable length of time and I think we should look at raising the residency on municipal elections to one year.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Speaking to the motion, the Hon. Member, Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I as well have thoughts and of course I have had representations from my constituents on a number of these issues, the least of which is of course voting in municipal matters and it obviously, this could be a first because there are not many times when I will agree with Mr. Pearson, either have or likely will, but this time I would think that I would support what he has just recently said in terms of this particular clause, and suggest that a year residency would be attractive, I think, to the majority of Members of this house, as it is of course in terms of the territorial election, and I really would not be against putting in a year in terms of other municipality elections.

Amendment To Motion Suggested

THE CHAIRMAN (Mr. Butters): Hon. Arnold McCallum, I take it then you have amended the motion made by the Hon. Member from the Western Arctic and your amendment would read that you would delete the words "two years" which were substituted in the second to last line and substitute in their place the words "one year" so that it would read "...to be held for a period of not less than one year immediately preceding the date set for voting." Would that be the amendment you made, sir?

HON. ARNOLD McCALLUM: Mr. Chairman, at the risk of getting into amendments to it, if the mover of the motion would go along with that I would, and failing that of course I would move an amendment to his motion to make it a residency clause of one year.

THE CHAIRMAN (Mr. Butters): I understand you. Mr. Steen, the way I read the suggestions of the Hon. Member it is asking you if you would consider altering your motion to read one year instead of two years, otherwise it would appear that he would so amend.

MR. STEEN: Mr. Chairman, perhaps we could have some legal advice to see if we are not clashing with the constitution of the territories with this kind of a motion.

THE CHAIRMAN (Mr. Butters): I do not know about the constitution of the territories but would the Legal Advisor answer if there is any clash with regard to existing territorial legislation or federal legislation?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, a period of six days, six months, six years or 16 years is all legal and constitutional.

THE CHAIRMAN (Mr. Butters): You have heard the comment, Mr. Steen.

MR. STEEN: Then, sir, I will stick with the previous motion.

THE CHAIRMAN (Mr. Butters): I have another speaker. Hon. Arnold McCallum, the motion stands. Hon. Peter Ernerk, did you wish to speak?

HON. PETER ERNERK: Mr. Chairman, the motion stands, two years, did I understand that? Then I do not have anything to add to it. It is voted?

THE CHAIRMAN (Mr. Butters): No. The Hon. Arnold McCallum.

Motion Amended To Read One Year

HON. ARNOLD McCALLUM: I move an amendment to the motion so that the amendment would read, "one year" immediately preceding the date set for voting.

THE CHAIRMAN (Mr. Butters): Does everyone understand the amendment? The Hon. Member from Foxe Basin, Mr. Evaluarjuk.

MR. EVALUARJUK: Mr. Chairman, I do not know if you will understand what I am saying but I was thinking about this. I just want to go ahead with it, like these people speaking. This particular guy said and I support his idea and I say I support the idea. I am not sure whether to agree with anybody or not. I am going to say what I was thinking about even if they do not fully support it and I am thinking that for five years as a resident in the Northwest Territories in order to vote. I know that a person from Canada, if he became a Canadian after five years and I am thinking if the five years is not over he is not able to vote and after five years living in the Northwest Territories if he goes to another settlement and if he decides to move back after one year he is able to vote. Do you understand what I am saying? I am not sure if I am saying it right or not. After five years living in the Northwest Territories he is able to vote and even if he comes from somewhere else after being out of the country after one year he should be able to vote. If you do not understand, you can ask me some more questions.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Hon. Peter Ernerk, Member from Keewatin.

HON. PETER ERNERK: Mr. Chairman, I have decided not to speak just at this time.

THE CHAIRMAN (Mr. Butters): Mr. Lafferty, the Hon. Member from Mackenzie Liard. I think we should be speaking to the amendment which is one year instead of two years.

MR. NICKERSON: Mr. Chairman, on a point of privilege, I did not understand what Mr. Evaluarjuk was saying. Was he saying something along these lines, that if a person was resident in a settlement and then left the settlement to go to another one 50 miles away and after a period of time came back, he would be ineligible to vote in the first settlement? Is that the point he was trying to get across?

THE CHAIRMAN (Mr. Butters): I will ask him again. My understanding was five years residency. On the point of privilege raised by Mr. Nickerson, I wonder if the Hon. Member from Foxe Basin, Mr. Evaluarjuk, could clarify his statement for Mr. Nickerson? Mr. Nickerson was wondering, wanting clarification.

MR. EVALUARJUK: Mr. Chairman, it is pretty hard to explain fully what I am trying to say. What I am trying to say is that after one year, like if I go to Igloolik as a white man and after five years being in the Northwest Territories and if I go to Igloolik after five years being in the Northwest Territories I would have to wait one more year in order to vote. Do you understand?

THE CHAIRMAN (Mr. Butters): The Hon. Member from Mackenzie Liard, Mr. Lafferty, you are next on the list.

MR. LAFFERTY: Mr. Chairman, speaking to the motion...

THE CHAIRMAN (Mr. Butters): To the amendment.

Conflict With Municipal Elections

MR. LAFFERTY: To the amendment. Increasing the six months residency to a year is something that I favour. This is what I was getting at when I first made my comments. I believe this motion, this amendment is only applicable to the Liquor Ordinance to vote in a plebiscite. I would also think that this might create some kind of conflict in municipal elections so perhaps we could extend this also to the municipal elections.

THE CHAIRMAN (Mr. Butters): No, Mr. Lafferty. As you said initially, this only applies to the Liquor Ordinance and the vote relative to a plebiscite. Are there no further comments or questions relative to the amendment? The Hon. Arnold McCallum, the Member for Slave River.

HON. ARNOLD McCALLUM: Mr. Chairman, I think that my colleague Mr. Evaluarjuk explained the situation well, the kind of difficulty that will be involved, but I would be basically in agreement with a one year term regardless. It will not simply be people from outside the territories who would be affected by this but it would be, as he suggested, people going from one northern community to another. Again I see nothing wrong with that because it would be my opinion that in order to become involved with a community, even though I may very well be able to ascertain certain problems that exist in a community, I still am of the opinion that one year in a community would be enough to take part in that municipal vote in terms of liquor. I think that the one year as Mr. Pearson suggested was a compromise and a good one.

THE CHAIRMAN (Mr. Butters): If there are no other comments, are Members ready for the question to vote on the amendment? The amendment the Hon. Arnold McCallum made was that Mr. Steen's motion which called for a two year residency, the words "two years" would be deleted and the words "one year" be substituted so that the statement would then read "...in which a plebiscite is to be held for a period of not less than one year immediately preceding the date set for voting".

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Mr. Butters): Mr. Pearson.

MR. PEARSON: I just wanted to say that I have since changed my mind and I am not going to vote for the amendment. I think that two years is ample. I checked it out with my Legal Advisor and he assures me that it is not unconstitutional. That it would be within the realms of possibility and therefore I will stay with the original motion of two years. Thank you.

THE CHAIRMAN (Mr. Butters): I recognize the Hon. Member from the High Arctic, Mr. Pudluk.

MR. PUDLUK: Mr. Chairman, with regard to this, what are we voting for, what section is this?

THE CHAIRMAN (Mr. Butters): We are voting on section (iii) of clause 1 and it relates to that second last line. The way it reads in the book, it says: "six months" residency to vote in a plebiscite. Mr. Steen suggested it be changed to two years and Mr. McCallum said that is too long, that one year would be sufficient and has amended it to read "one year" so we are voting now on the amendment that one year residency be placed in that second to the last line.

MR. PUDLUK: Mr. Chairman, my question was is that for the alcoholic voting residency?

THE CHAIRMAN (Mr. Butters): I think perhaps I could ask our expert witness Mr. Robinson to explain the whole plebiscite procedure which is involved here. If you would do so, sir.

Plebiscite Procedure

MR. ROBINSON: Under sections 109 and 120 there are two types of plebiscites and we are just trying to define here who can vote. Right now the petition to initiate a plebiscite has to be signed, if you are voting for a liquor store or licensed premises, it has to be signed by 20 per cent of the qualified voters. If you are voting or petitioning for a plebiscite to put in some restrictions, it has to be signed by 20 qualified voters. In both cases to succeed the people voting in favour of the question, it must be 60 per cent in favour of the question, it must be 60 per cent in favour to carry the question.

THE CHAIRMAN (Mr. Butters): That is 60 per cent of those who turn out to vote and not 60 per cent of those eligible to vote?

MR. ROBINSON: It is 60 per cent of those voting.

THE CHAIRMAN (Mr. Butters): Mr. Pudluk, do you understand that?

MR. PUDLUK: Yes. Mr. Chairman, that is what I was asking.

Amendment Carried.

THE CHAIRMAN (Mr. Butters): The question on the amendment. All those in favour would they raise their right hands, please? Against. Contrary, raise their hands please. The amendment carries.

---Carried

The section will read 20 (1)(iii) "has been ordinarily resident in a settlement or area in which a plebiscite is to be held for a period of not less than one year immediately preceding the date set for voting". Do I have permission then to accept the clause as amended?

MR. NICKERSON: Mr. Chairman, do we not now have to vote on the motion as amended, is that not the correct procedure now?

THE CHAIRMAN (Mr. Butters): I thought it would carry.

MR. NICKERSON: The amendment was carried but now we must vote on the motion as amended. I see the Clerk is nodding his head.

THE CHAIRMAN (Mr. Butters): All right, the vote should not change I would not think. Who is ready for the question to vote on the motion as amended? The question. The motion as amended then reads as I read it to you with the one year substituted for six months. All those in favour of the motion as amended? Mr. Wah-Shee.

MR. WAH-SHEE: Mr. Chairman, would you explain what we are voting on because obviously something is happening.

THE CHAIRMAN (Mr. Butters): It is my understanding we are voting on the motion as amended and the motion as amended reads section 20 (1)(iii) "has been **ordinarily resident** in the settlement or area in which a plebiscite is to be held for a period of not less than one year immediately preceding the date set for voting."

MR. PEARSON: Put your hands up, please, or it will go back to six months.

THE CHAIRMAN (Mr. Butters): Do you understand? All those in favour -- Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I just wanted to know what the motion was and now I understand.

Motion To Amend Clause 1 Of Bill 9-59 Carried As Amended.

THE CHAIRMAN (Mr. Butters): All those in favour of the motion as amended? Seven. Contrary? Two. The motion as amended is carried, seven to two.

---Carried

Do I have agreement then to move on to clause 2?

HON. DAVID SEARLE: Report progress.

THE CHAIRMAN (Mr. Butters); I have been asked to report progress. Are all Members in agreement?

---Agreed

MR. SPEAKER: The Legislative Assembly will come to order. Mr. Butters.

Report of the Committee of the Whole of Bill 9-59, Liguor Ordinance

MR. BUTTERS: Mr. Speaker, your committee has been considering Bill 9-59 and I wish to report progress.

MR. SPEAKER: Are there any announcements? Mr. Clerk, orders of the day.

ITEM NO. 12: ORDERS OF THE DAY

CLERK OF THE HOUSE: Orders of the day, May 25, 1976, 2:30 o'clock p.m., at the Explorer Hotel.

1. Prayer
2. Questions and Returns
3. Oral Questions
4. Petitions
5. Reports of Standing and Special Committees
6. Notices of Motions
7. Motions for the Production of Papers
8. Motions
9. Tabling of Documents
10. Continuing Consideration in Committee of the Whole of Bills, Recommendations to Council and Other Matters: Bill 9-59, Bill 7-59, Bill 6-59, Bill 12-59, Bill 1-59, Bill 2-59, Bill 11-59, Recommendation to Council 1-59, Recommendation to Council 2-59, Motions 3-59, 4-59 and 5-59, Inuit Tapirisat of Canada Land Claim Proposal "Nunavut" and Tabled Document 15-59, Dr. Ward's Analysis of "Nunavut".
11. Orders of the Day

MR. SPEAKER: Legislative Assembly stands adjourned until May 25, 1976, at 2:30 o'clock p.m., at the Explorer Hotel.

---ADJOURNMENT

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